

Comhairle Contae Chill Dara
Kildare County Council



Date: 13th March 2024.
Our Ref: ED/1100.

Damien & Antoinette Donegan,
c/o Dain McMillan,
Tea Lane Architects,
155 Church Road,
Celbridge,
Co. Kildare.
W23 TD74.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Level 1, Riverview Business Centre, Dublin Road, Celbridge, Co. Kildare.

Dear Sir/Madam,

I refer to your correspondence received on 6th February 2024 and 4th March 2024 in connection with the above. Enclosed is Receipt no. FIN1/0/496259 in relation to the fee paid.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard.

Yours sincerely,

**Senior Executive Officer,
Planning Department.**



Declaration of Development & Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended).

ED/1100.

WHEREAS a question has arisen as to whether the change of use from offices to three apartments at **Level 1, Riverview Business Centre, Dublin Road, Celbridge, Co. Kildare** is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on February 2024 and 4th March 2024

AND WHEREAS Damien & Antoinette Donegan requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended) and
- (b) Planning and Development Regulations 2001 (as amended); and

AND WHEREAS Kildare County Council has concluded that the development comprises works to which the provisions of the following applies:

- (a) Sections 2, 3, 4, and 5 of the Planning and Development Act 2000 (as amended) The nature, extent and purpose of the works,
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations 2001 (as amended);

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the change of use from offices to three apartments

is DEVELOPMENT and IS EXEMPTED development pursuant to Section 2, 3, 4 & 5 of the Planning and Development Act as amended and Article 6, Article 9 of the Planning and Development Regulations as amended.

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

13th March 2024.


Senior Executive Officer,
Planning Department.

KILDARE COUNTY COUNCIL



PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT

Section 5 referral & declaration on development & exempted development

Planning & Development Act 2000 (as amended)

Reference No. ED/1100.

Name Of Applicant(s):	Damien & Antoinette Donegan.
Address Of Development:	Level 1, Riverview Business Centre, Dublin Road, Celbridge, Co. Kildare. W23 F9Y2.
Development Description:	Change of use from offices to three apartments.
Due date	5/3/2024.

Introduction

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000 (as amended) to establish whether under Section 5 of the Act the works change of use on Level 1 from Offices to 3x Apartments are exempted development.

Site Location

The site is the Riverview Business Centre, Dublin Road, Celbridge, Co. Kildare, which occupies a corner site at the junction of the Dublin Road and Primrose Hill. The subject offices are located on the first floor

Description of Proposed Development

The development is described in the application form as:

In Section 4 (5) of the application form the applicant states that the extent of the proposed development consists of:

'Change of Use on Level 1 from Offices to 3x Apartments'

In Section 4 (7) of the application form the applicant states that

Due to lack of demand for Offices and a high demand for Residential Units in this location the owners wish to confirm via this submission that a Change of Use for the first floor does not require planning under the above quoted regulation. The proposed residence consists of

X2 Studio Apartments

X1 Two Bed Apartment



Fig 1: Site Location (Outlined in Red)



Fig 2: Aerial view of subject site (Google Maps)

Relevant Planning History

043052: Planning permission granted to Damien Donegan for various works to include partial change of use of ground floor area from residential to commercial use, retention of change of use of first floor area from residential to office use, alterations and extension to form additional first floor area etc..

Built Heritage

The site is located within the ACA but is not a protected structure. The site is also located within the zone of archaeological potential.

Relevant Legislative Background

Planning and Development Act 2000 (as amended)

Section 2(1)

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

Section 3(1)

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(1)

The following shall be exempted development for the purposes of the Act-

(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 neighboring structures;

Section 5(7) EIA Screening

The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

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)(a)(i)

Restrictions on exemption.

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—.....(15 items)

Article 10 of the Planning and Development Regulations 2001, as amended by S.I. 30 of 2018, refers to the change of use, and certain 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.

Article 10 (6)(b) The exemption allows developments that consist of a change of use to residential use from Class 1, 2, 3 or 6 of Part 4 Schedule 1.

The definition of which Classes are set out below:

- Class 1: Use as a shop.
- Class 2: Use for the provision of (a) financial services, (b) professional services (other than health or medical services), (c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.
- Class 3: Use as an office, other than a use to which class 2 of this Part of this Schedule applies.
- Class 6: Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).

There are certain limitations on the nature and type of buildings that may benefit from the exemption, and these are set out in Article 10(6)(c) and Article 10(6)(d).

Each of these conditions and limitations will be set out in the assessment below and the application examined in respect of each of them.

Assessment

The applicant seeks to carry out the following:

Change of Use on Level 1 from Offices to 3x Apartments

S.I. 30 of 2018 amended Article 10(6) of the Planning and Development Regulations 2001, as amended, to allow for the change of use of an existing vacant commercial unit to residential as exempted development.

Article 10(6)(c) and 10(6)(d) of the Planning and Development Regulations 2001, as amended identified limitations to the exemption described in Article 10(6)(b). The proposed development must be assessed against these limitations.

The proposed development will be assessed against Article 10(6)(c) of the Planning and Development Regulations.

Article 10(6)(c)(i) *the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018*

The structure appears to be decades old, if not older and was completed prior to 2018.

Article 10(6)(c)(ii) *the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3 or 6*

The structure has been previously used as an office. It appears the most recent permitted use associated with the site would relate to either Class 2 or Class 3 of the Planning and Development Regulations 2001 (as amended).

Class 2 is defined as follows:

Use for the provision of— (a) financial services, (b) professional services (other than health or medical services), (c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.

Class 3 is defined as follows:

Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

It is therefore considered the proposed change of use may fit within the scope of Article 10(6)(c)(ii).

Article 10(6)(c)(iii) *the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,*

The applicant states in their submitted documentation that the subject offices have been vacant for in excess of 2 years.

Article 10(6)(d)

Table 1: Conditions and Limitations of Article 10(6)(d)

Article 10(6)(d)(i)	<i>The development is commenced and completed during the relevant period.</i>	The development has not commenced.
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Article 10(6)(d) (ii)	<i>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</i>	Plans and elevations have been submitted. No works are proposed which will materially affect the external appearance of the structure.
Article 10(6)(d) (iii)	<i>Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.</i>	There are no works to the ground floor proposed
Article 10(6)(d) (iv)	<i>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.</i>	There are no works to the ground floor proposed
Article 10(6)(d) (v)	<i>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.</i>	The subject development provides 3 no. residential units (2 no. Studio Apartments & 1 no. 2 Bed Apartments.
Article 10(6)(d) (vi)	<i>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.</i>	The applicant will be requested to submit additional information in the form of floor plans which highlight the attic storage space proposed
Article 10(6)(d) (vii)	<i>Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.</i>	All habitable rooms have large windows
Article 10(6)(d) (viii)	<i>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.</i>	The proposal does not involve works to a protected structure

Article 10(6)(d)(ix)	<i>No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.</i>	The proposal does not contravene a condition on a permission.
Article 10(6)(d)(x)	<i>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.</i>	The proposal does not involve works to a building in any of the referred areas
Article 10(6)(d)(xi)	<i>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</i>	The proposal is consistent with this limitation.
Article 10(6)(d)(xii)	<i>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.</i>	No Issues

Minimum Floor Area and Storage Requirements

Article 10(6)(d)(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.

The relevant standards are those included in the Sustainable Urban Housing: Design Standards for New Apartments 2023. The dimensions of the apartments and each room must meet Required Minimum Floor Areas identified in Appendix 1 of those Guidelines.

Apartment 1 – the two bedroom apartment – measures 78sqm which is greater than the 73sqm minimum in the Guidelines. Studio apartments 2 and 3, measure 40sqm and 37.8sqm respectively. The minimum area for studios is 37sqm. In this respect, the dwelling floor areas indicated for apartments 2 and 3 meet the minimum standards.

The proposals must meet minimum storage areas separately to kitchen and wardrobe storage areas. The minimum areas are 6sqm for a two bedroom unit and 3sqm for a

studios. In apartment 1 there is 7sqm of storage proposed, with 3sqm of it being in the attic, while apartments 2 and 3 have 1.95sqm and 1.6sqm of storage proposed with and additional 3sqm proposed in the attic. The applicant has not provided drawings of the attic storage space and as such will be requested to submit these floor plans in the form of further information

Report on Further Information

Further Information was requested on 24/11/2023 and responded to on 21/12/2023. The Planning Authority requested further information regarding the following issues

1. The applicant is requested to floor plan and section of the attic and show the proposed attic storage spaces for each apartment.

Response

The applicant has submitted drawings of the storage plan for the attic. It is noted that each individual apartment would have 3sqm of decked storage space available, along with a section that is non decked. An attic hatch stair which would include a handrail and reaching device would be available from a lower level.

Report on Further Information

Having assessed the further information documentation submitted, the Planning Authority are satisfied that it adequately addresses the request.

Conclusion

Having regard to:

- Sections 2, 3,4, and 5 of the Planning and Development Act 2000 (as amended);
- Articles 6, 9 and 10 of the Planning and Development Regulations 2001 (as amended); and
- The nature, extent and purpose of the works;

It is considered that the proposed works **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is exempted development** as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

Recommendation

It is recommended that the applicant be advised that the development as described in the application *is development and is exempted development*.

A handwritten signature in black ink that reads "D. Waldron". The "D" is large and stylized, with a loop at the top. The "Waldron" is written in a cursive, flowing script.

Signed:

Daniel Waldron A/Assistant Planner 12/03/2024

A handwritten signature in black ink that reads "Kehinde Oluwatosin". The signature is written in a cursive, flowing script with some overlapping letters.

Kehinde Oluwatosin

Senior Executive Planner

12/03/2024

Declaration of Development & Exempted Development under

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to Change of use from offices to three apartments is exempted development.

AS INDICATED on the plans and particulars received by the Planning Authority on 05/02/2024 & 04/03/2024.

AND WHEREAS Damien & Antoinette Donegan requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- Planning and Development Act 2000 (as amended); and
- Planning and Development Regulations 2001 (as amended);

AND WHEREAS Kildare County Council has concluded that the proposal comprises of development to which the provisions of the following applies:

- (1) Sections 2, 3, 4, and 5 of the Planning and Development Act 2000 (as amended) The nature, extent and purpose of the works,
- (2) Articles 6, 9 and 10 of the Planning and Development Regulations 2001 (as amended);

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that -

Change of use from offices to three apartments.

is DEVELOPMENT and IS EXEMPTED development pursuant to Section 2, 3, 4 & 5 of the Planning and Development Act as amended and Article 6, Article 9 of the Planning and Development Regulations as amended.

Please note that any person issued with a declaration under Section 5 of the

Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Appendix 1: Appropriate Assessment Screening



**APPROPRIATE ASSESSMENT SCREENING REPORT
AND
DETERMINATION**

(A) Project Details

Planning File Ref

ED1100

Applicant name	Damien & Antoinette Donegan
Development Location	Level 1 Riverview Business Centre, Dublin Road, Celbridge, W23 F9Y2
Site size	N/A
Application accompanied by an EIS (Yes/NO)	NO
Distance from Natura 2000 site in km	Approx 4km south of Rye Water Valley/ Carton SAC
Description of the project/proposed development – <i>Change of Use on Level 1 from Offices to 3x Apartments</i>	

(B) Identification of Natura 2000 sites which may be impacted by the proposed development			
			Yes/No If answer is yes, identify list name of Natura 2000 site likely to be impacted.
1	Impacts on sites designated for freshwater habitats or species. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i>	NO
2	Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?</i>	NO
3	Impacts on designated terrestrial habitats.	<i>Is the development within a Special Area of Conservation whose</i>	NO

	<u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	<i>qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	
4	Impacts on birds in SPAs <u>Sites to consider:</u> Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	NO

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

No further assessment in relation to habitats or birds is required.

If the answer is **Yes** refer to the relevant sections of **C**.

(G) SCREENING CONCLUSION STATEMENT

Selected relevant category for project assessed by ticking box.

1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	X
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	

Justify why it falls into relevant category above (based on information in above tables)

Having regard to the proximity of the nearest Natura 2000 site and given the nature and extent of the proposed development, it is not considered there would be potential for significant effects on the Natura 2000 network.

Name:	Daniel Waldron
Position:	A/Assistant Planner
Date:	12/03/2024

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL



Director of Services Order

I, Gabriel Conlon, Director of Services, am duly authorised and delegated by Chief Executive's Order number: CE51474 to make the following Order in accordance with Section 154 of the Local Government Act, 2001, as amended.

ORDER NO: DO51678 **Section:** Planning

SUBJECT: ED1100.
Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Level 1, Riverview Business Centre, Dublin Road, Celbridge, Co. Kildare.

SUBMITTED: File Ref. ED1100 with recommendation from the Senior Executive Planner and reports from the Council's Technical Officers.

DB

ORDER: **I hereby order the following** Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended) hereby decides that the proposed development is development and is exempted development.

MADE THIS 13th DAY

SIGNED: *Gabriel Conlon*

OF March YEAR 2024

A/DIRECTOR OF SERVICES

Comhairle Contae Chill Dara
Kildare County Council



Date: 28th February 2024.
Our Ref: ED/1100.

Damien & Antoinette Donegan,
c/o Dain McMillan,
Tea Lane Architects,
155 Church Road,
Celbridge,
Co. Kildare.
W23 TD74.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Level 1, Riverview Business Centre, Dublin Road, Celbridge, Co. Kildare.

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 6th February 2024. The following further information is required to fully assess your application.

- The applicant is requested to submit drawings of the proposed attic storage space for each apartment.

The time period for the Council's determination shall commence upon receipt of the above information.

Yours sincerely,



Senior Executive Officer
Planning Department

KILDARE COUNTY COUNCIL



PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT

Section 5 referral & declaration on development & exempted development

Planning & Development Act 2000 (as amended)

Reference No. ED/1100.

Name Of Applicant(s):	Damien & Antoinette Donegan.
Address Of Development:	Level 1, Riverview Business Centre, Dublin Road, Celbridge, Co. Kildare. W23 F9Y2.
Development Description:	Change of use from offices to three apartments.
Due date	5/3/2024.

Introduction

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000 (as amended) to establish whether under Section 5 of the Act the works change of use on Level 1 from Offices to 3x Apartments are exempted development.

Site Location

The site is the Riverview Business Centre, Dublin Road, Celbridge, Co. Kildare, which occupies a corner site at the junction of the Dublin Road and Primrose Hill. The subject offices are located on the first floor

Description of Proposed Development

The development is described in the application form as:

In Section 4 (5) of the application form the applicant states that the extent of the proposed development consists of:

'Change of Use on Level 1 from Offices to 3x Apartments'

In Section 4 (7) of the application form the applicant states that

Due to lack of demand for Offices and a high demand for Residential Units in this location the owners wish to confirm via this submission that a Change of Use for the first floor does not require planning under the above quoted regulation. The proposed residence consists of

X2 Studio Apartments

X1 Two Bed Apartment



Fig 1: Site Location (Outlined in Red)



Fig 2: Aerial view of subject site (Google Maps)

Relevant Planning History

043052: Planning permission granted to Damien Donegan for various works to include partial change of use of ground floor area from residential to commercial use, retention of change of use of first floor area from residential to office use, alterations and extension to form additional first floor area etc..

Built Heritage

The site is located within the ACA but is not a protected structure. The site is also located within the zone of archaeological potential.

Relevant Legislative Background

Planning and Development Act 2000 (as amended)

Section 2(1)

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

Section 3(1)

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(1)

The following shall be exempted development for the purposes of the Act-

(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 neighboring structures;

Section 5(7) EIA Screening

The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

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)(a)(i)

Restrictions on exemption.

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—.....(15 items)

Article 10 of the Planning and Development Regulations 2001, as amended by S.I. 30 of 2018, refers to the change of use, and certain 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.

Article 10 (6)(b) The exemption allows developments that consist of a change of use to residential use from Class 1, 2, 3 or 6 of Part 4 Schedule 1.

The definition of which Classes are set out below:

- Class 1: Use as a shop.
- Class 2: Use for the provision of (a) financial services, (b) professional services (other than health or medical services), (c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.
- Class 3: Use as an office, other than a use to which class 2 of this Part of this Schedule applies.
- Class 6: Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).

There are certain limitations on the nature and type of buildings that may benefit from the exemption, and these are set out in Article 10(6)(c) and Article 10(6)(d).

Each of these conditions and limitations will be set out in the assessment below and the application examined in respect of each of them.

Assessment

The applicant seeks to carry out the following:

Change of Use on Level 1 from Offices to 3x Apartments

S.I. 30 of 2018 amended Article 10(6) of the Planning and Development Regulations 2001, as amended, to allow for the change of use of an existing vacant commercial unit to residential as exempted development.

Article 10(6)(c) and 10(6)(d) of the Planning and Development Regulations 2001, as amended identified limitations to the exemption described in Article 10(6)(b). The proposed development must be assessed against these limitations.

The proposed development will be assessed against Article 10(6)(c) of the Planning and Development Regulations.

Article 10(6)(c)(i) *the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018*

The structure appears to be decades old, if not older and was completed prior to 2018.

Article 10(6)(c)(ii) *the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3 or 6*

The structure has been previously used as an office. It appears the most recent permitted use associated with the site would relate to either Class 2 or Class 3 of the Planning and Development Regulations 2001 (as amended).

Class 2 is defined as follows:

Use for the provision of— (a) financial services, (b) professional services (other than health or medical services), (c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.

Class 3 is defined as follows:

Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

It is therefore considered the proposed change of use may fit within the scope of Article 10(6)(c)(ii).

Article 10(6)(c)(iii) *the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,*

The applicant states in their submitted documentation that the subject offices have been vacant for in excess of 2 years.

Article 10(6)(d)

Table 1: Conditions and Limitations of Article 10(6)(d)

Article 10(6)(d)(i)	<i>The development is commenced and completed during the relevant period.</i>	The development has not commenced.
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Article 10(6)(d) (ii)	<i>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</i>	Plans and elevations have been submitted. No works are proposed which will materially affect the external appearance of the structure.
Article 10(6)(d) (iii)	<i>Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.</i>	There are no works to the ground floor proposed
Article 10(6)(d) (iv)	<i>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.</i>	There are no works to the ground floor proposed
Article 10(6)(d) (v)	<i>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.</i>	The subject development provides 3 no. residential units (2 no. Studio Apartments & 1 no. 2 Bed Apartments.
Article 10(6)(d) (vi)	<i>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.</i>	The applicant will be requested to submit additional information in the form of floor plans which highlight the attic storage space proposed
Article 10(6)(d) (vii)	<i>Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.</i>	All habitable rooms have large windows
Article 10(6)(d) (viii)	<i>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.</i>	The proposal does not involve works to a protected structure

Article 10(6)(d)(ix)	<i>No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.</i>	The proposal does not contravene a condition on a permission.
Article 10(6)(d)(x)	<i>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.</i>	The proposal does not involve works to a building in any of the referred areas
Article 10(6)(d)(xi)	<i>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</i>	The proposal is consistent with this limitation.
Article 10(6)(d)(xii)	<i>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.</i>	No Issues

Minimum Floor Area and Storage Requirements

Article 10(6)(d)(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.

The relevant standards are those included in the Sustainable Urban Housing: Design Standards for New Apartments 2023. The dimensions of the apartments and each room must meet Required Minimum Floor Areas identified in Appendix 1 of those Guidelines.

Apartment 1 – the two bedroom apartment – measures 78sqm which is greater than the 73sqm minimum in the Guidelines. Studio apartments 2 and 3, measure 40sqm and 37.8sqm respectively. The minimum area for studios is 37sqm. In this respect, the dwelling floor areas indicated for apartments 2 and 3 meet the minimum standards.

The proposals must meet minimum storage areas separately to kitchen and wardrobe storage areas. The minimum areas are 6sqm for a two bedroom unit and 3sqm for a

studios. In apartment 1 there is 7sqm of storage proposed, with 3sqm of it being in the attic, while apartments 2 and 3 have 1.95sqm and 1.6sqm of storage proposed with and additional 3sqm proposed in the attic. The applicant has not provided drawings of the attic storage space and as such will be requested to submit these floor plans in the form of further information

Conclusion & Recommendation

It is recommended that **Further Information** be submitted as follows:

1. The applicant is requested to floor plan and section of the attic and show the proposed attic storage spaces for each apartment.

Signed: 

Daniel Waldron A/Assistant Planner

28/02/2024



Kehinde Oluwatosin

Senior Executive Planner

28/02/24

Appendix 1: Appropriate Assessment Screening



**APPROPRIATE ASSESSMENT SCREENING REPORT
AND
DETERMINATION**

(A) Project Details

Planning File Ref	ED1100
Applicant name	Damien & Antoinette Donegan
Development Location	Level 1 Riverview Business Centre, Dublin Road, Celbridge, W23 F9Y2
Site size	N/A
Application accompanied by an EIS (Yes/NO)	NO
Distance from Natura 2000 site in km	Approx 4km south of Rye Water Valley/ Carton SAC
Description of the project/proposed development – <i>Change of Use on Level 1 from Offices to 3x Apartments</i>	

(B) Identification of Natura 2000 sites which may be impacted by the proposed development			
			Yes/No If answer is yes, identify list name of Natura 2000 site likely to be impacted.
1	Impacts on sites designated for freshwater habitats or species. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i>	NO
2	Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?</i>	NO

3	Impacts on designated terrestrial habitats. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	NO
4	Impacts on birds in SPAs <u>Sites to consider:</u> Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	NO

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

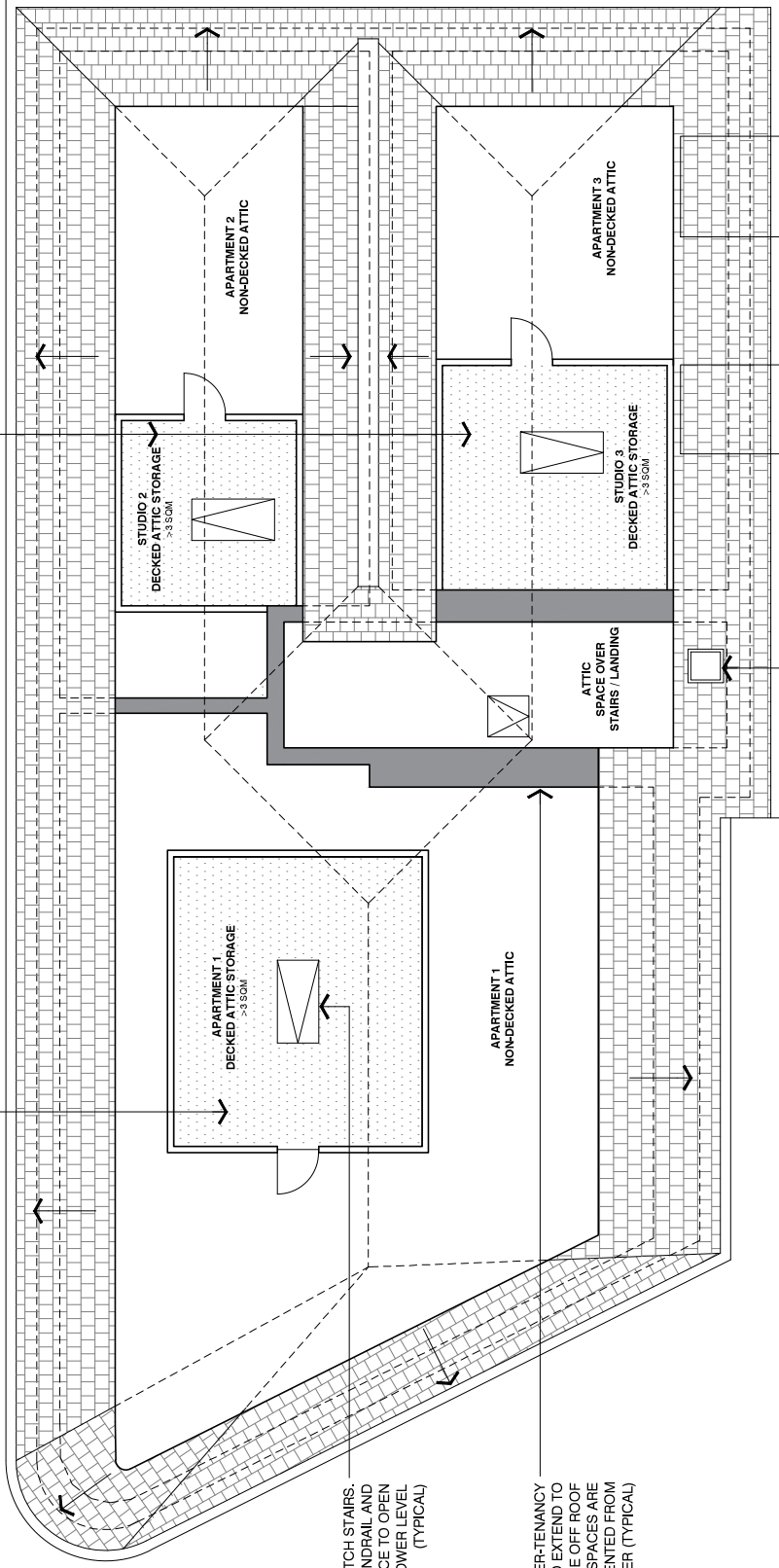
No further assessment in relation to habitats or birds is required.

If the answer is **Yes** refer to the relevant sections of **C**.

(G) SCREENING CONCLUSION STATEMENT		
<i>Selected relevant category for project assessed by ticking box.</i>		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	X
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Justify why it falls into relevant category above (based on information in above tables)		
Having regard to the proximity of the nearest Natura 2000 site and given the nature and extent of the proposed development, it is not considered there would be potential for significant effects on the Natura 2000 network.		
Name:	Daniel Waldron	
Position:	A/Assistant Planner	
Date:	28/02/2024	



ATTIC STORAGE AREA DECKED OUT,
CORDONED OFF AND INSULATED. CRAWL
DOOR ACCESS TO REMAINDER OF UNDECKED
ATTIC (TYPICAL). ADJUST WALLS TO SUIT ROOF
STRUCTURE WHILE MEETING MINIMUM SQM
REQUIREMENT. PROVISION OF A LIGHT TO
EACH STORAGE SPACE.



SEALED ATTIC HATCH STAIRS.
TO INCLUDE HANDRAIL AND
REACHING DEVICE TO OPEN
FROM LOWER LEVEL
(TYPICAL)

MASONRY INTER-TENANCY
WALLS TO EXTEND TO
UNDERSIDE OFF ROOF
ENSURING ATTIC SPACES ARE
FIRE COMPARTMENTED FROM
EACH OTHER (TYPICAL)

01 ATTIC STORAGE PLAN
SCALE: 1:75

REV	DESCRIPTION	DATE
A	SECTION 5 - REQUEST FOR FURTHER INFORMATION RESPONSE.	04.03.2024

REV	DESCRIPTION	DATE

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. DIMENSIONS NOT TO BE SCALED.
ANY DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT, TEALANE ARCHITECTS © 2023



TEALANE
ARCHITECTS
1166 CHURCH ROAD, CELEBRIDGE
W. 088 258 0767 | TEALANEARCHITECTS.COM

ATTIC STORAGE SPACE

CHANGE OF USE PROPOSAL
LEVEL 1, RIVERVIEW BUSINESS CENTRE DUBLIN ROAD, CELEBRIDGE
DAMIAN DONEGAN



PROJECT
ACCESS
CLIENT

SECTION 5 EXEMPTION
04.03.2024
1:75@A3

P016_A

23014
PROJECT REF
DRAWN
CHECKED

Kildare County Council

Declaration of Exempt Development under Section 5, of the Planning and Development Act 2000 as amended

Incomplete application forms will
be deemed invalid and returned



All responses must be in block
letters

Section 1

Details of Applicants

1. Name of Applicant(s) A. Surname..... Forenames.....
Phone [REDACTED]
2. Address

Section 2

Person/Agent acting on behalf of applicant (if applicable)

1. Name of Person/Agent: Surname..... Forenames.....
Phone No..... Fax No.....
2. Address.....

Section 3

Company Details (if applicable)

1. Name of Company
Phone No..... Fax No.....
2. Company Reg. No.....
3. Address.....

Section 4

Details of Site

1. Planning History of Site.....
2. Location of Proposed Development.....
3. Ordnance Survey Sheet No.....
4. Please state the Applicants interest in the site
5. Please state the extent of the proposed development.....

6. Under what Section of the Planning and Development 2000 as amended and/or what provision of the Planning and Development Regulations 2001 as amended is exemption sought (specific details required).....

7. Please give a detailed description of the Proposed Development (Use separate page if necessary).....

Section 5	The following must be submitted for a valid application
------------------	--

(Please Tick)		
1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	
4.	All drawings to differentiate between the original building, all extensions and proposed development	
5.	Fee of 80 Euro	

Section 6	Declaration
------------------	--------------------

I,_____certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature: _____Date: _____

Tea Lane Architects
155 Church Road,
Celbridge,
Co. Kildare,
W23 TD74

02th February 2024

Planning Department
Áras Chill Dara,
Devoy Park,
Naas,
Co. Kildare

RE: Section 5 submission for clarification on exemption for change of use under Planning & Development (Exempted Development) Regulations 2022 (S.I. No.75 of 2022) relating to the change of use of the 1st floor of Riverview Business Centre, Dublin Road, Celbridge, Co. Kildare from vacant offices to 3 no. residential apartments.

Dear Planning Officer,

The first floor of Riverview Business Centre has a current use as offices. The first floor has been vacant for some time due to little to no demand for office space in the area. Given the high demand for residential units the owners wish to provide for that need by converting level 1 from vacant offices to residential rental accommodation.

We wish to seek confirmation that our proposal is an exempted development via a Section 5 declaration application. The proposal is for a change of use on the first floor of Riverview Business Centre, Celbridge, Co. Kildare from vacant offices to 3x residential apartments.

Following a previous application through this same process we have tweaked the layout upon planner feedback. This includes as follows:

- Provision of attic storage to assist in reaching in the storage requirement
- Removal of the hallways from the two small apartments to ensure they are classified as Studio Apartments as opposed to 1 bed apartments.

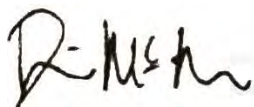
It is understood that the proposal is exempt under the terms of **Planning and Development Act (Exempted Development) Regulations 2022 (S.I. 75 of 2022)** given the evidence contained within our application relating we seek official confirmation of this. Below are the terms of S.I. 5 of 2022.

- 1) The structure concerned was completed prior to the making of the Planning and Development (Amendment)(No.2) Regulations 2018.
- 2) The structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12.
- 3) The structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period for 2 years or more immediately prior to the commencement of the proposed development. 3x letter provided.
- 4) The development is commenced and completed during the relevant period.
- 5) Works shall primarily affect the interior of the structure
- 6) Works shall retain 50 per cent or more of the existing external fabric of the building
- 7) Not materially affect the external appearance of the structure.
- 8) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures
- 9) 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.

- 10) 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
- 11) 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.
- 12) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.
- 13) 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.
- 14) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.
- 15) No development shall relate to any structure in any of the following areas:
 - a. an area to which a special amenity area order relates;
 - b. an area of special planning control;
 - c. 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.
 - d. 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.
- 16) 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.
- 17) Where a person proposes to undertake development to which paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works related to the proposed change of use and any related works;
- 18) Provide notification to the relevant council as to such developments under this exemption.

Documents attached with this submission:

- 1) This cover letter
- 2) Section 5 form
- 3) Owner approval letter
- 4) Architectural Plans
- 5) Bike locker specifications sheets
- 6) OS Map
- 7) Vacancy Letters



Dain McMillan

Director

Tea Lane Architects



Planning Pack Map

CENTRE
COORDINATES:
ITM 697402.732958

PUBLISHED:
27/10/2022

ORDER NO.:
30295953_1

MAP SERIES:
1:1,000
1:2,500
3259-17
3259-C

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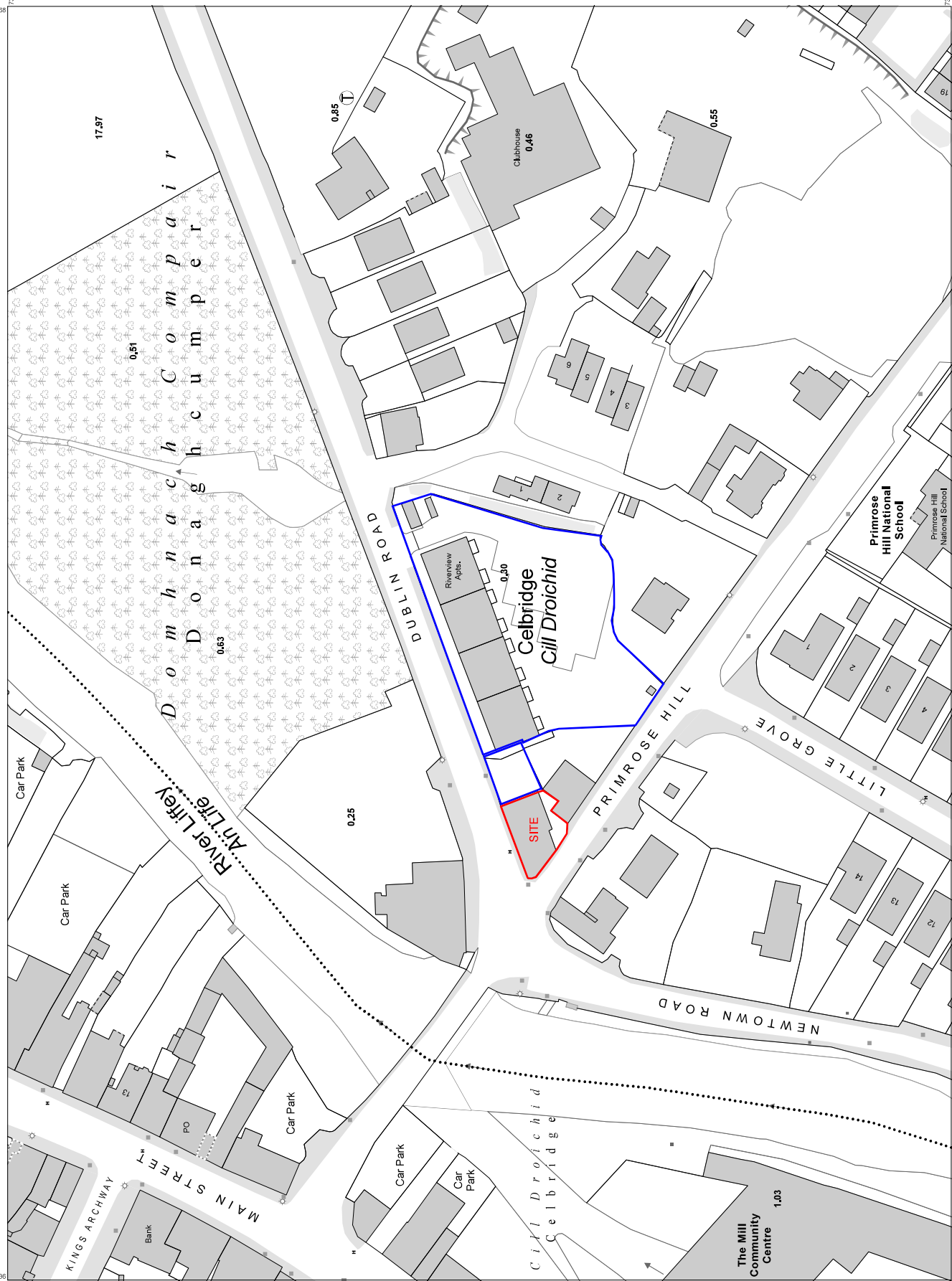
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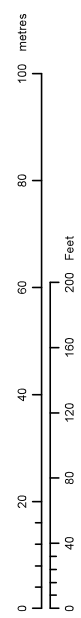
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OUTPUT SCALE: 1:1,000



DRAWING LEGEND

- P001 - DRAWING LEGEND & GENERAL NOTES
P002 - SITE LAYOUT PLAN

P010 - GROUND FLOOR UNITS - NO WORKS
P011 - FIRST FLOOR - EXISTING PLAN (OFFICES)
P012 - FIRST FLOOR - DEMOLITION PLAN
P013 - FIRST FLOOR - PROPOSED PLAN (APARTMENTS)
P014 - ROOF PLAN - NO WORKS
P015 - BIKE & BIN STORAGE

- P021 - APARTMENT 1 - PROPOSED DETAILED PLAN
P022 - APARTMENT 2 - PROPOSED DETAILED PLAN
P023 - APARTMENT 3 - PROPOSED DETAILED PLAN

P031 - ELEVATIONS / SECTION

GENERAL NOTES

THESE DRAWINGS ARE INTENDED FOR THE PURPOSES PLANNING / PLANNING EXEMPTION APPLICATIONS IN RELATION OF THE CHANGE OF USE FORM UNOCCUPIED OFFICES TO 3X APARTMENTS.

THIS PROPOSAL REQUIRES FURTHER DEVELOPMENT AND INPUT FROM STRUCTURAL / MECHANICAL, DAC AND FIRE ENGINEERS REVIEW BEFORE THE COMMENCEMENT OF CONSTRUCTION.

ADDITIONALLY PART L REGULATIONS WILL NEED TO BE REVIEWED IN ORDER TO ENSURE COMPLIANCE WITH INSULATION AND ENERGY EFFICIENCY REGULATIONS.

REFUGE FACILITIES & BIKE STORAGE

THE BINS/BIKES ARE LOCATED INSIDE A SECURE GATE THAT IS ONLY ACCESSIBLE TO THOSE AFFORDED ACCESS BY THE BUILDING MANAGER VIA A LOCK AND KEY. ADDITIONALLY, THE BINS/BIKES ARE OUT OF PUBLIC VIEW. THEY ARE ALSO COVERED BY CCTV AND SENSOR LIGHTS 24 HOURS A DAY 7 DAYS A WEEK. CCTV COVERAGE IS ACCESSIBLE LIVE AND ON RECORDING TO THE FULL-TIME BUILDING MANAGER WHO'S OFFICE IS LOCATED IN RIVERVIEW BUSINESS CENTRE ON THE GROUND FLOOR WITH A WINDOW OVERLOOKING THIS AREA. THESE FACTS SAFEGUARD AGAINST BIKE THEFT AND/OR FLY TIPPING.

THE BINS ARE CERTIFIED TO EU STANDARDS EN480. THEY ARE VERMIN PROOF AS WELL AS BEING ACID, ALKALINE, FUNGI, BACTERIA AND WASHING MATERIAL RESISTANT. THIS COUPLED WITH PROFESSIONALLY MONITORED VERMIN CONTROL SITE WIDE PROVIDES SUFFICIENT SAFEGUARDS AGAINST VERMIN.

AS PER THE BIKE LOCKER SPECIFICATIONS THE BIKES ARE LOCKABLE IN A PURPOSE BUILT BIKE LOCKER, IN A WELL LIT SECURE AREA AND PROTECTED FROM THE ELEMENTS.

AREA STUDIES

EXISTING BUILDING AREA STUDY	AREA / VOLUME
GROUND FLOOR (GROSS) - 3X RETAIL UNITS + STAIR/LOBBY	175.6 SQM
LEVEL 1 (GROSS - EXCLUDING STEPS) - 3X OFFICE SUITES	170.3 SQM
TOTAL (GROSS)	345.9 SQM
BUILDING FOOTPRINT (EXTERIOR WALLS)	197.0 SQM
CAR PARKING SPACES	NIL
BIKE PARKING (IN ADJACENT COURTYARD)	NIL
BINS (660L GREEN + 660L GENERAL)	1320L

EXISTING BUILDING AREA STUDY (POST CHANGE OF USE)	AREA / VOLUME
GROUND FLOOR (GROSS) - 3X RETAIL UNITS + STAIR/LOBBY	175.6 SQM (NO CHANGE)
LEVEL 1 (GROSS - EXCLUDING STEPS) - APARTMENTS	170.3 SQM (NO CHANGE)
BIKE STORAGE	1.5 PER APARTMENT
BINS (660L GREEN + 660L GENERAL + 3X 80L COMPOST)	1560L

APARTMENT 1	PROVISION	REQUIREMENT**
2 BED APARTMENT (TOTAL EX. STAIRWELLS/LOBBY)	78.0 SQM	63 OR 73 SQM +
LIVING-DINING-KITCHEN (EXCLUDES DEDICATED STORAGE)	29.7 SQM	28 OR 30SQM
BED 1 (EXCLUDES WROBE / STORAGE)	11.9 SQM	11.4 OR 7.1SQM
BED 2 (EXCLUDES WROBE / STORAGE)	11.8 SQM	11.4 OR 7.1SQM
ENSUITES	X2	-
W.C.	X1	-
CAR PARKING SPACES (TOWN CENTRE LOCATION)	NIL	VARIES
BIKE PARKING	X2 (DEDICATED)	X2 (DEDICATED)
(1 SPACE PER BEDROOM + 1 VISITOR PER 2 APARTMENTS)	X0.5 (TO VISITOR)	X0.5 (TO VISITOR)
INTERNAL STORAGE AREA (EXCLUDING WROBE SPACE)	6.1 SQM	5 OR 6QM
PRIVATE AMENITY SPACE	NIL	6 OR 7SQM
BINS 1 OF 660L GREEN + 1 OF 660L GENERAL + 80L COMPOST	300L*	-

APARTMENT 2 (STUDIO APARTMENT)	AREA / NO.	REQUIREMENT**
1 BED STUDIO APARTMENT (TOTAL EX. STAIRWELLS/LOBBY)	40.0 SQM	37.0 SQM +
BED 1 (EXCLUDE STORAGE)	10.0 SQM	-
STUDIO COMBO BED-LIVING-DINING-KITCHEN	33.5 SQM	30.0 SQM +
BATHROOM	X1	-
CAR PARKING SPACES (TOWN CENTRE LOCATION)	NIL	VARIES
BIKE PARKING	X1 (DEDICATED)	X1 (DEDICATED)
	X0.5 (TO VISITOR)	X0.5 (TO VISITOR)
INTERNAL STORAGE AREA	4.95 SQM	3.0 SQM +
PRIVATE AMENITY SPACE	NIL	4.0SQM +
BINS 1 OF 660L GREEN + 1 OF 660L GENERAL + 80L COMPOST	300L*	-

APARTMENT 3 (STUDIO APARTMENT)	AREA / NO.	REQUIREMENT**
1 BED STUDIO APARTMENT (TOTAL EX. STAIRWELLS/LOBBY)	37.8 SQM	37.0 SQM +
BED 1 (EXCLUDE STORAGE)	8.2 SQM	-
STUDIO COMBO BED-LIVING-DINING-KITCHEN	33.0 SQM	30.0 SQM +
BATHROOM	X1	-
CAR PARKING SPACES (TOWN CENTRE LOCATION)	NIL	VARIES
BIKE PARKING	X1 (DEDICATED)	X1 (DEDICATED)
	X0.5 (TO VISITOR)	X0.5 (TO VISITOR)
INTERNAL STORAGE AREA	4.6 SQM	3.0 SQM +
PRIVATE AMENITY SPACE	NIL	4.0SQM +
BINS 1 OF 660L GREEN + 1 OF 660L GENERAL + 80L COMPOST	300L*	-

* A TYPICAL KILDARE HOME HAS 1X 120L GENERAL REFUGE BIN + 1X 120L RECYCLING BIN + 80L COMPOST BIN. A TOTAL OF 320L. GIVEN THESE ARE LOW OCCUPANCY APARTMENTS WE MEET OUR NEEDS.

** REQUIREMENTS ACCORDING TO SUSTAINABLE URBAN HOUSING: DESIGN STANDARDS FOR NEW APARTMENTS, DECEMBER 2020

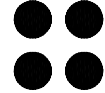
NOTE 1: DEDICATED STORAGE SPACE INCLUDES 3 SQM OF PRIVATELY ACCESSIBLE ATTIC SPACE IN EACH INSTANCE. THE ATTIC SPACE IS TO BE DECKED OUT, LIGHT AND INDEPENDENT FROM THE OTHER UNITS.

NOTE 2: THE BIKE LOCKERS ARE INDEPENDENT FROM THE DEDICATED STORAGE CALCULATIONS

NOTE 2: PRIVATE OPEN AMENITIES AND SHARED OPEN AMENITIES CANNOT BE REACHED DUE TO THE NATURE OF THIS TOWN-CENTRE EXISTING BUILDING PROPOSAL.

REV	DESCRIPTION	DATE
A	SKETCH PROPOSAL ONLY	26.10.2023
B	SECTION 5 RESUBMISSION	02.02.2024

CONTRACT IS A LEGAL AGREEMENT. ANY DISPUTES SHALL BE REFERRED TO THE ARCHITECT. ALL DRAWINGS ARE NOT TO BE SCALED. ANY DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT. TALKLINE ENQUIRIES 01 236 5761



T E A L A N E
A R C H I T E C T S
155 CHURCH ROAD, CELBRIDGE
W. CO. DU. D18 YN74 | TEL: 01 236 5761

LEGEND
SITE LOCATION PLAN

CHANGE OF USE PROPOSAL
LEVEL 1, RIVERVIEW BUSINESS CENTRE, DUBLIN ROAD, CELBRIDGE
DAMEN DONEGAN



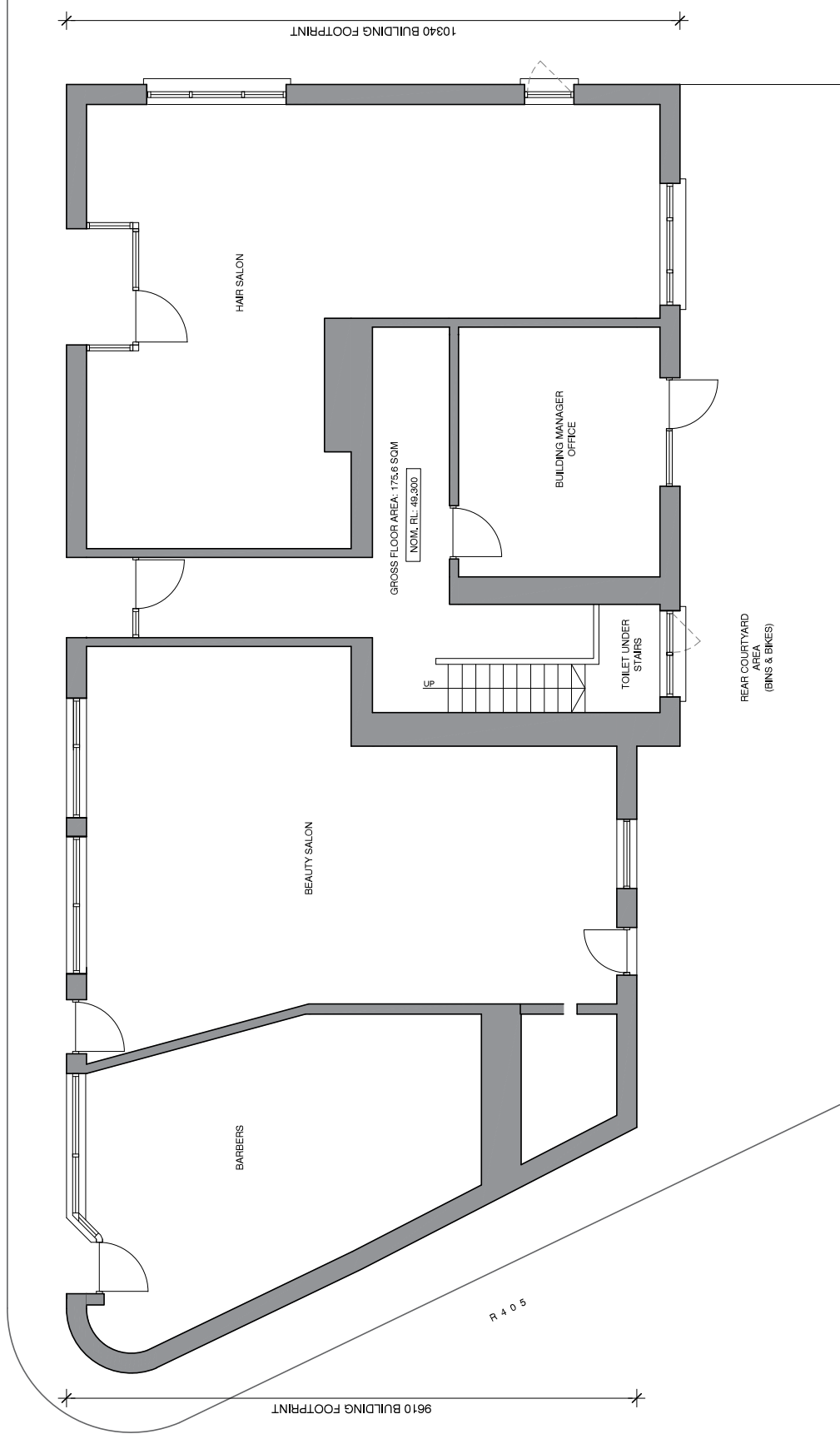
P001_B

SECTION 5 EXEMPTION
06.12.2023
SCALE 1:75@A3
DATE 06.12.2023
PROJECT REF 23014
DWG / DWG



21690 BUILDING FOOTPRINT

DUBLIN ROAD
(R403)



01 GROUND FLOOR PLAN - EXISTING (NO ALTERATIONS PROPOSED)
SCALE: 1/75

REV	DESCRIPTION	DATE
A	SKETCH PROPOSAL ONLY	26.10.2023
B	SECTION 5 SUBMISSION	02.02.2024

CONTRACTOR TO VERIFY ALL DIMENSIONS AND MAKE SURE TO CONSIDER ALL VARIOUS CHANGES. NOT TO BE SCALED.
ANY DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT, TALLANE ARCHITECTS © 2023

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K18 2B6
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GROUND FLOOR PLAN
EXISTING LAYOUT
CHANGE OF USE PROPOSAL
LEVEL 1: RIVERVIEW BUSINESS CENTRE DUBLIN ROAD, CELBRIDGE
DAMEN DONEGAN

PROJECT REF: 23014
DRAWN: DWG
CHECKED: DWG

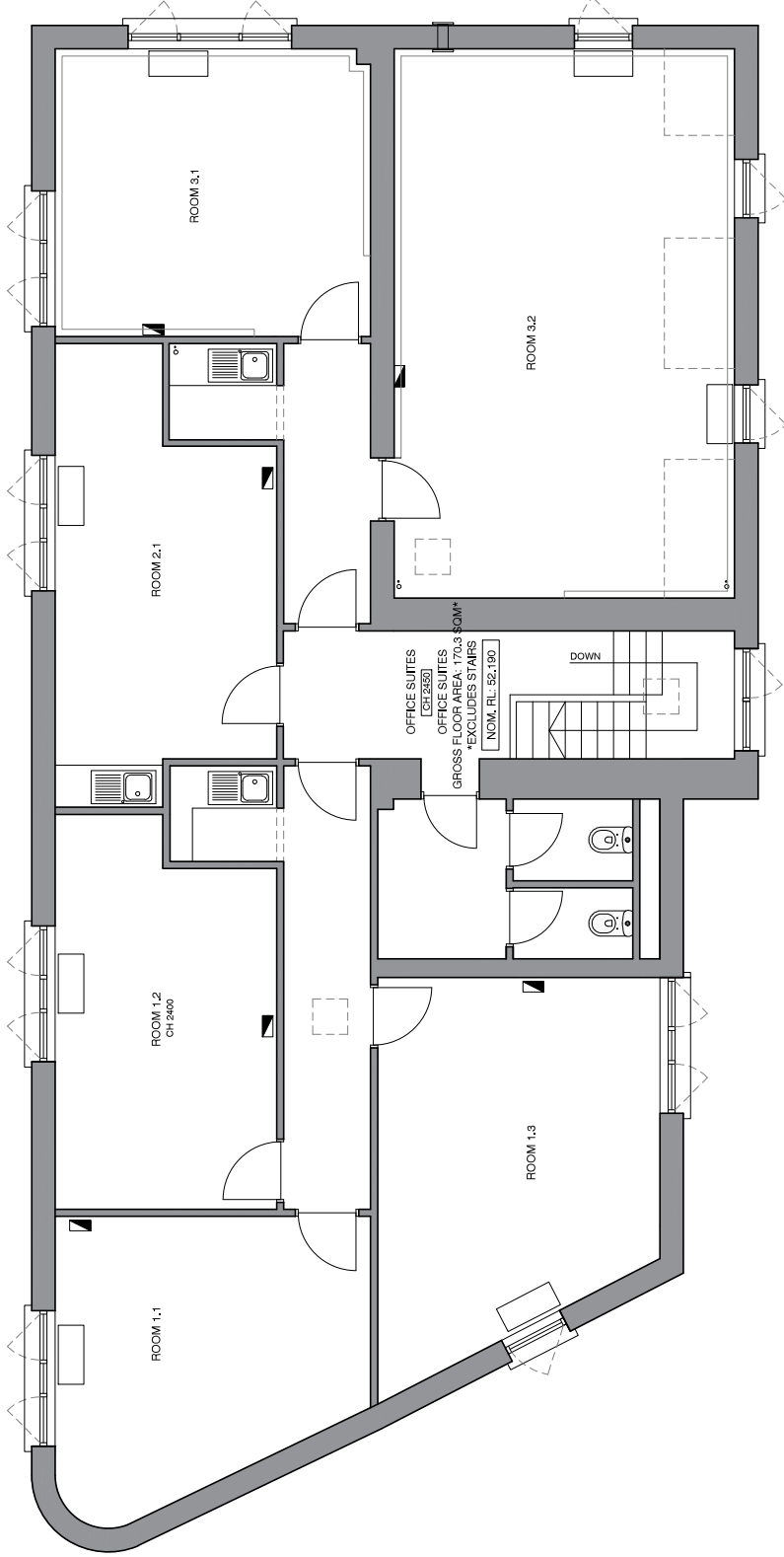
SECTION 5 EXEMPTION
DATE: 06.12.2023
SCALE: 1/75@A3

P010_B

21040 INTERNAL DIMENSION

8600 INTERNAL DIMENSION

9670 INTERNAL DIMENSION



01 FIRST FLOOR PLAN - EXISTING
SCALE: 1/75

REV	DESCRIPTION	DATE
A	SKETCH PROPOSAL ONLY	26.10.2023
B	SECTION 5 RESUBMISSION	02.02.2024

REV	DESCRIPTION	DATE

CONTRACTOR TO VERIFY ALL DIMENSIONS AND NOTE ANY DISCREPANCIES. DIMENSIONS MAY VARY DUE TO SCALE. ANY DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT. ITALIANE ARCHITECTS © 2023



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DUBLIN 15, CO. DUBLIN
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DWG TITLE
PROJECT
ADDRESS
SUBMIT

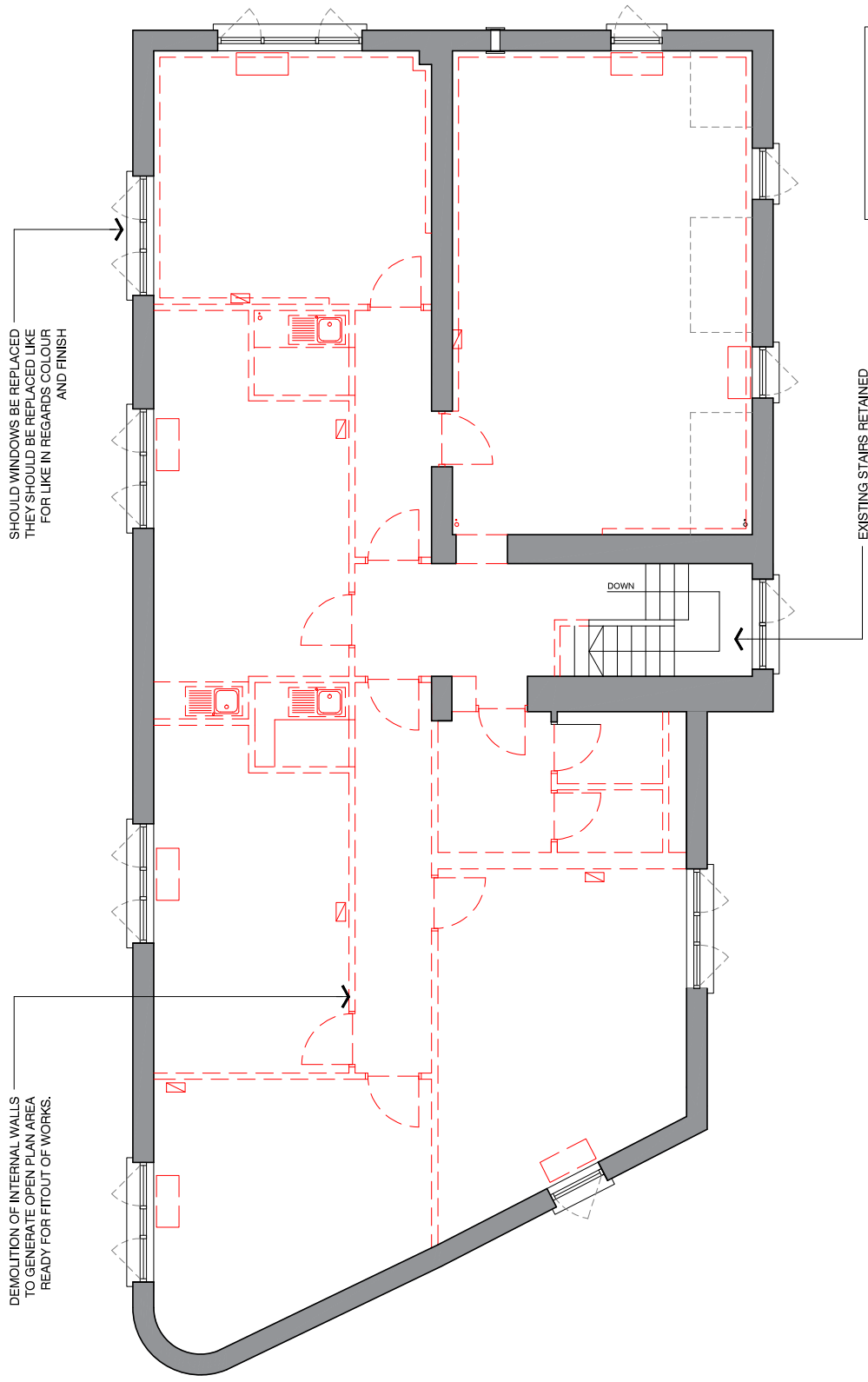
FIRST FLOOR PLAN
EXISTING LAYOUT
CHANGE OF USE PROPOSAL
LEVEL 1, RIVERVIEW BUSINESS CENTRE DUBLIN ROAD, CELBRIDGE
DAMIAN DONEGAN

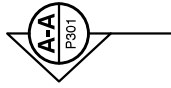
DATE ISSUED
SECTION 5 EXEMPTION
DATE
SCALE



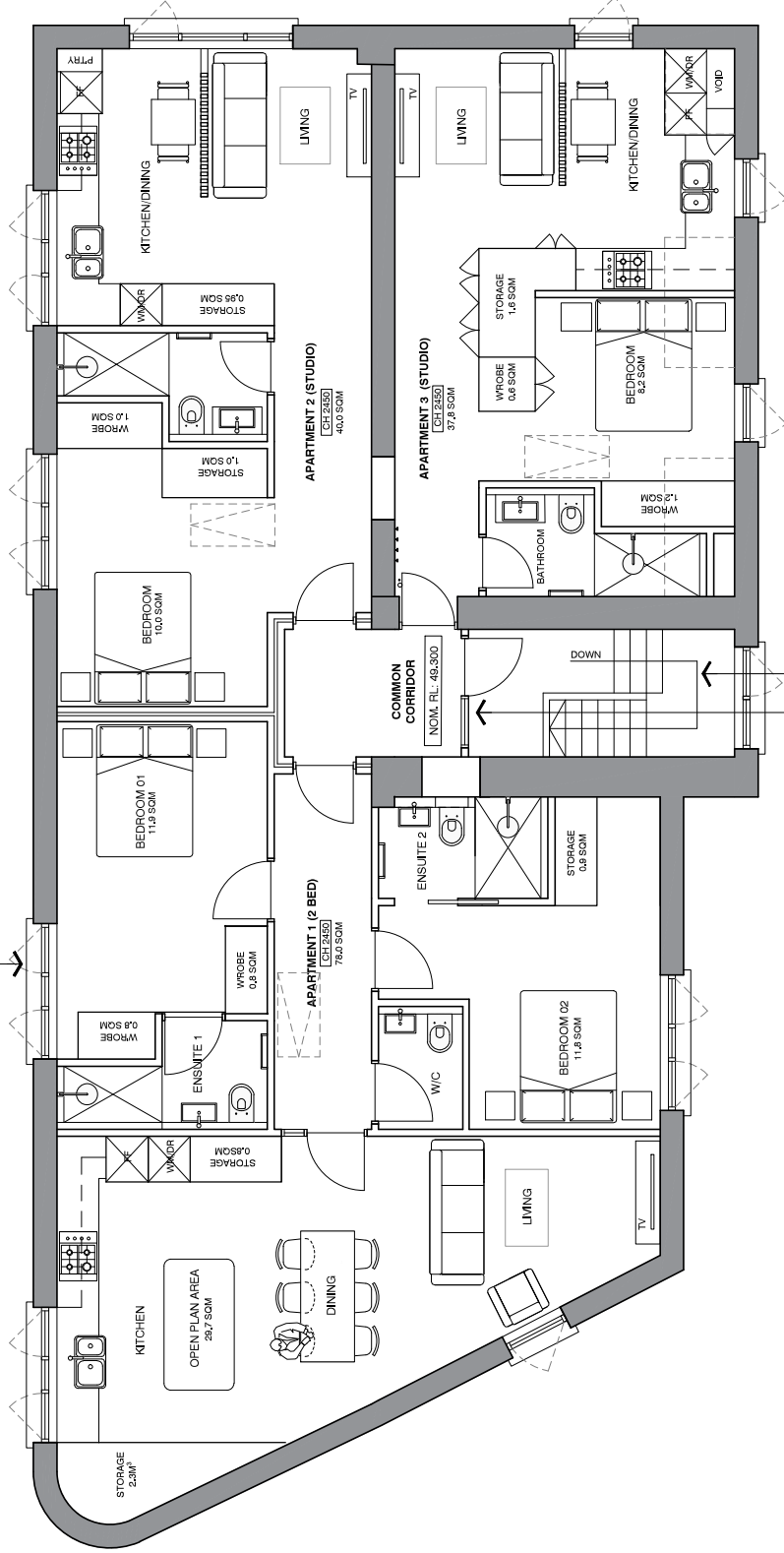
P0111_B
PROJECT REF
DRAWN
CHECKED
DATE
SCALE

23014
DWG / DMG





SHOULD WINDOWS BE REPLACED
THEY SHOULD BE REPLACED LIKE
FOR LIKE IN REGARDS COLOUR
AND FINISH



STAIR UPGRADED TO COMPLY
WITH TGD-M AS MUCH AS IS
FEASIBLE

NEW FIRE RATED LANDING DOOR TO
COMPARTMENT ENTRY HALLWAY, ADJUST
LANDING TO ALLOW SUFFICIENT LANDING
SPACE TO STAIRS

01 FIRST FLOOR PLAN - PROPOSED
SCALE: 1/75

REV	DESCRIPTION	DATE
A	SKETCH PROPOSAL ONLY	26.10.2023
B	SECTION 5 RESUBMISSION	02.02.2024

REV	DESCRIPTION	DATE

CONTRACTOR TO VERIFY ALL DIMENSIONS AND AREA TO SCHEDULE AND USING DIMENSIONS NOT TO BE SCALED.
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DWG TITLE	PROJECT	DRAWERS	CHECKER
FIRST FLOOR PLAN PROPOSED LAYOUT	CHANGE OF USE PROPOSAL LEVEL 1, RIVERVIEW BUSINESS CENTRE, DUBLIN ROAD, CELBRIDGE	DAMEN DONEGAN	

FIRST FLOOR PLAN PROPOSED LAYOUT



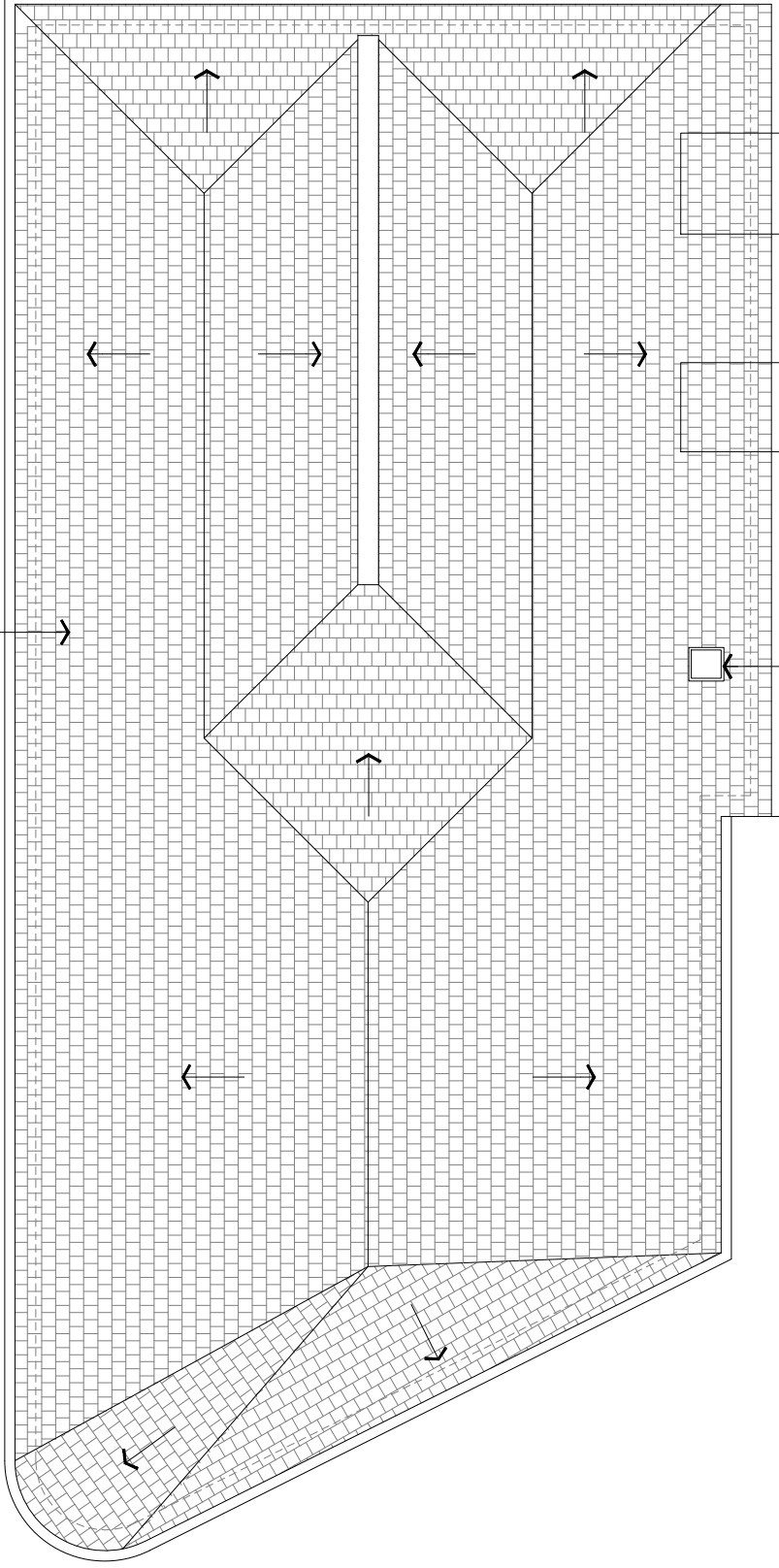
SECTION 5 EXEMPTION
06.12.2023
SCALE: 1/75@A3

P013_B

PROJECT REF: 23014
DRAWN: JGD
DATE: 06.12.2023



EXISTING ROOF, GUTTERS ETC.
RETAINED AS IS



NEW SMOKE EXTRACTION
SKYLIGHT

01 EXISTING ROOF PLAN - NO WORKS
SCALE: 1:75

REV	DESCRIPTION	DATE
A	SKETCH PROPOSAL ONLY	26.10.2023
B	SECTION 5 RESUBMISSION	02.02.2024

REV	DESCRIPTION	DATE

CONTRACTOR TO VERIFY ALL DIMENSIONS AND SITE DATA IS ACCURATE AND VISIBLE DIMENSIONS NOT TO BE SCALED.
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ROOF PLAN
EXISTING/PROPOSED

CHANGE OF USE PROPOSAL

LEVEL 1, RIVERVIEW BUSINESS CENTRE, DUBLIN ROAD, CELBRIDGE

DAMEN DONEGAN



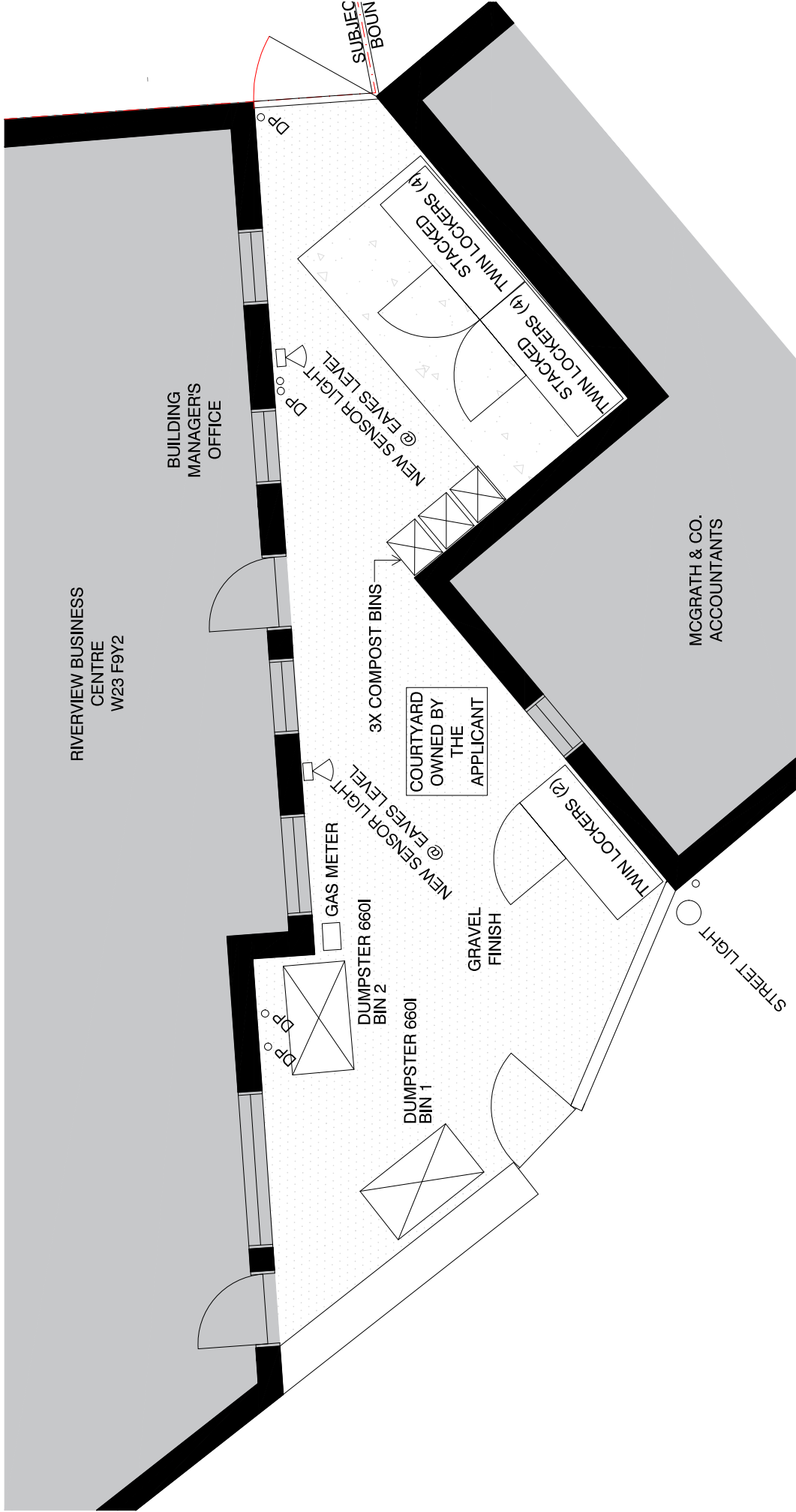
SECTION 5 EXEMPTION

DATE 06.12.2023

SCALE 1:75@A3

P014_B

PROJECT REF 23014
DRAWN/ DWG/ DMG
CHECKED/



01 BIKE / BIN STORAGE PROPOSAL @ REAR COURTYARD

SCALE: 1:50

THE PROPOSAL (8X APARTMENTS) REQUIRES STORAGE FOR 4.5 BIKES (ROUND UP TO 5 SPACES) AS OUTLINED ON DRAWING P001. HOWEVER 10 SPACES HAVE BEEN ILLUSTRATED TO SHOW EXPANDABILITY RELATING TO OTHER ADJACENT PLANNING APPLICATIONS THAT INTEND TO ALSO USE THE COURTYARD FOR PARKING.

REV	DESCRIPTION	DATE
A	SKETCH PROPOSAL ONLY	26.10.2023
B	SECTION 5 RESUBMISSION	02.02.2024

REV	DESCRIPTION	DATE

CONTRACTOR TO VERIFY ALL DIMENSIONS AND SET BACKS TO ADJACENT BUILDINGS. DIMENSIONS NOT TO BE SCALED. ANY DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT. TAILORARCHITECTS © 2023



REAR COURTYARD
BIKE / BIN STORAGE

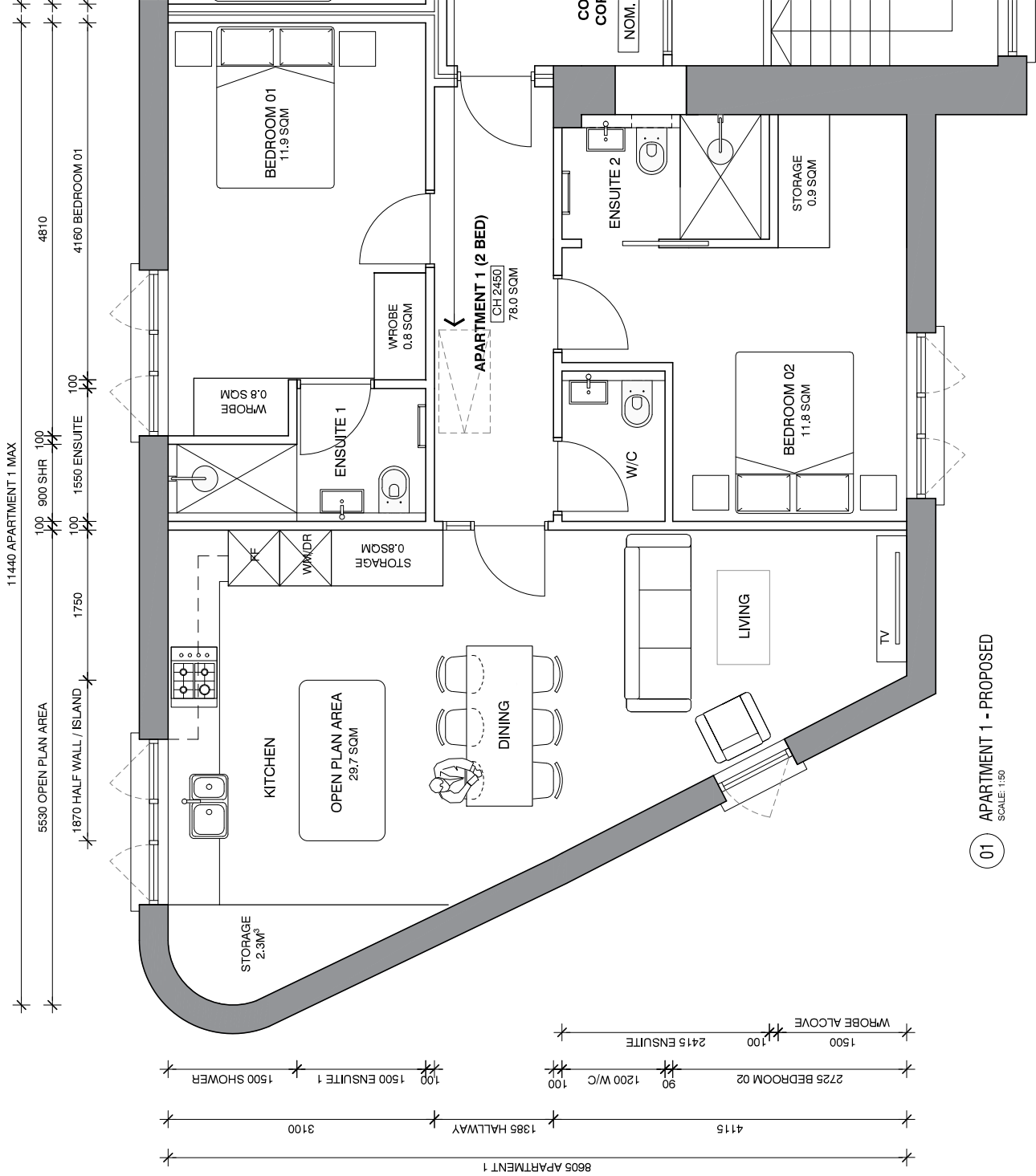
PROJECT
ADDRESS
SUBJECT

CHANGE OF USE PROPOSAL
LEVEL 1, RIVERVIEW BUSINESS CENTRE, DUBLIN ROAD, CELBRIDGE
DAMEN DONEGAN

DATE
08.12.2023
SCALE
1:50@A3

SECTION 5 EXEMPTION
PROJECT REF
23014
DWG / DWG

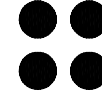
P015_B



REV	DESCRIPTION	DATE
A	SKETCH PROPOSAL ONLY	26.10.2023
B	SECTION 5 RESUBMISSION	02.02.2024

REV	DESCRIPTION	DATE

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DWG TITLE
**FIRST FLOOR PLAN
PROPOSED LAYOUT - APARTMENT 1**

PROJECT
CHANGE OF USE PROPOSAL

ADDRESS
LEVEL 1, RIVERVIEW BUSINESS CENTRE DUBLIN ROAD, CELBRIDGE

SUBIT
DAMEN DONEGAN



DATE ISSUED
P021_B

SECTION 5 EXEMPTION
08.12.2023

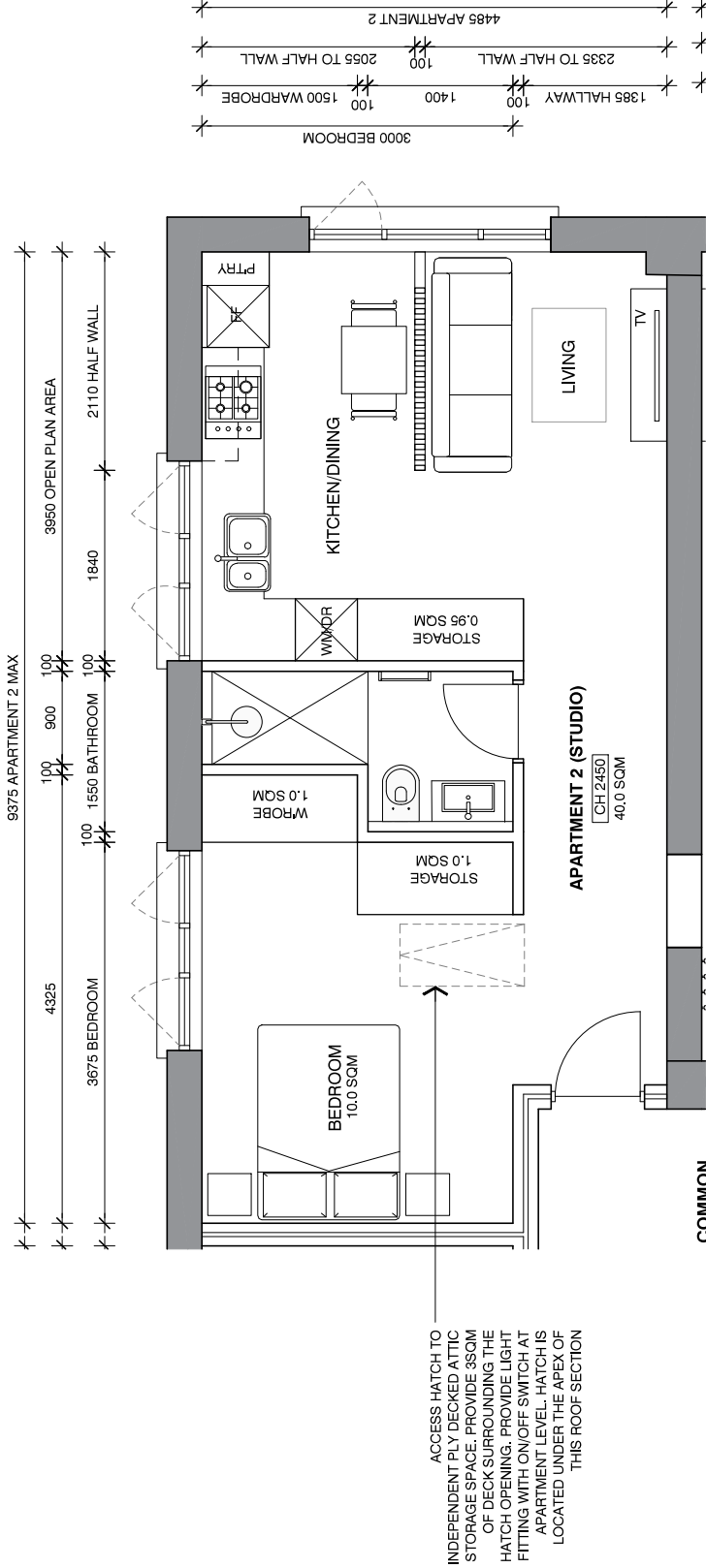
DATE
08.12.2023

SCALE
1:50@A3

CONTRACTOR TO VERIFY ALL DIMENSIONS AND SET BACKS TO COMPLY WITH ALL LOCAL LAWS AND REGULATIONS. ANY DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT, TEALANE ARCHITECTS © 2023

PROJECT REF
23014

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DWG / DWG



01 APARTMENT 2 - PROPOSED

SCALE: 1:50

REV	DESCRIPTION	DATE
A	SKETCH PROPOSAL ONLY	26.10.2023
B	SECTION 5 RESUBMISSION	02.02.2024

REV	DESCRIPTION	DATE

CONTRACTOR TO VERIFY ALL DIMENSIONS AND SITE DATA VS. COMMON DIMENSIONS. DIMENSIONS NOT TO BE SCALED.
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DWG TITLE	PROJECT	ADDRESS	SUBMIT
FIRST FLOOR PLAN	CHANGE OF USE PROPOSAL	155 CHURCH ROAD, CELBRIDGE	DAMEN DONEGAN

PROPOSED LAYOUT - APARTMENT 2

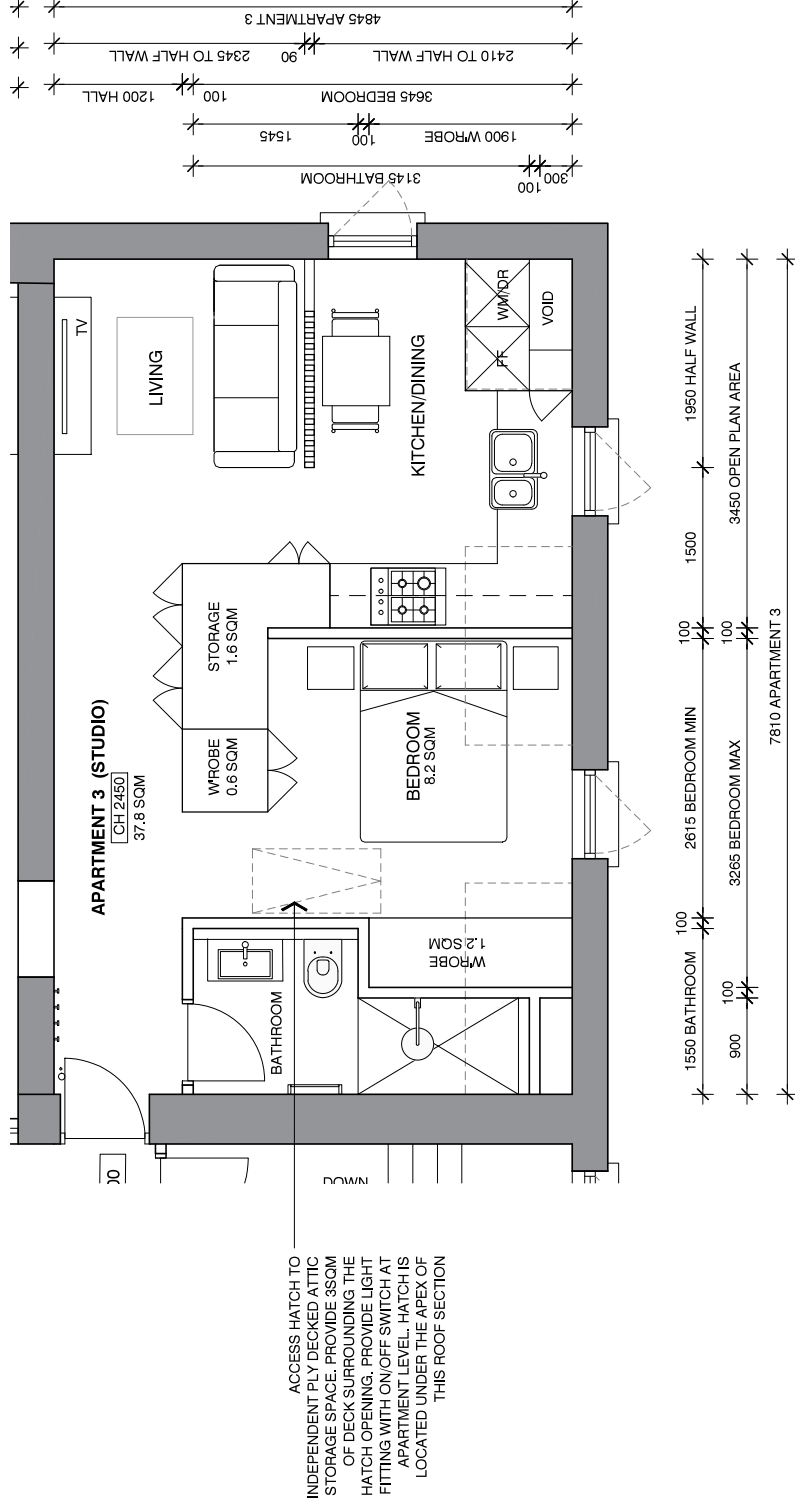
SECTION 5 EXEMPTION

06.12.2023

1:50@A3



DWG NO.	DATE	BY	DATE	SCALE
P022_B	06.12.2023	DAMEN DONEGAN	06.12.2023	1:50@A3



01 APARTMENT 3 - PROPOSED
SCALE: 1:50

REV	DESCRIPTION	DATE
A	SKETCH PROPOSAL ONLY	26.10.2023
B	SECTION 5 RESUBMISSION	02.02.2024

[illegible]

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DRAIN@TEALANEARCHITECTS.COM
M: 085 228 0767 | TEALANEARCHITECTS.COM

DWG TITLE	PROJECT	ADDRESS	CITY

FIRST FLOOR PLAN
PROPOSED LAYOUT - APARTMENT 3

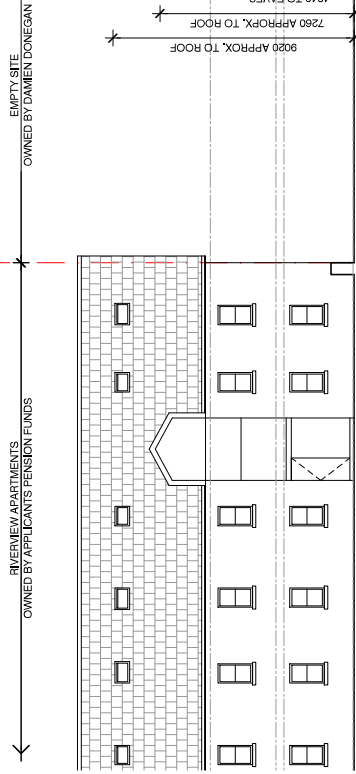
CHANGE OF USE PROPOSAL
LEVEL 1, RIVERVIEW BUSINESS CENTRE, DUBLIN ROAD, CELBRIDGE
DAMIEN DONEGAN



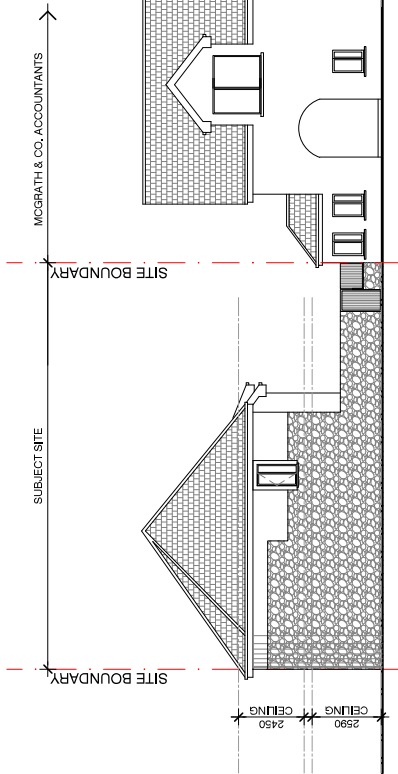
P023 B

ISSUE **SECTION 5 EXEMPTION**
DATE **08.12.2023**
SCALE **1-50@A3**

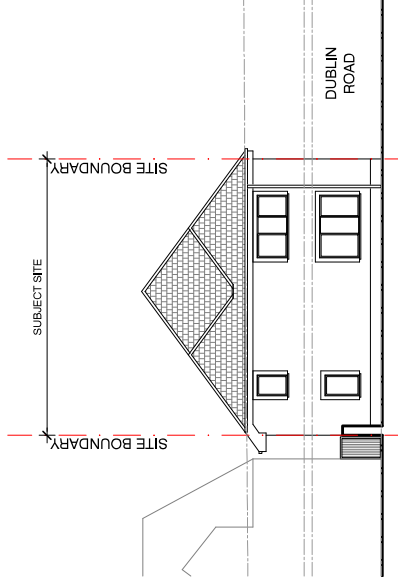
PROJECT REF	23014
DRAWN / CHECKED	DMc / DMc



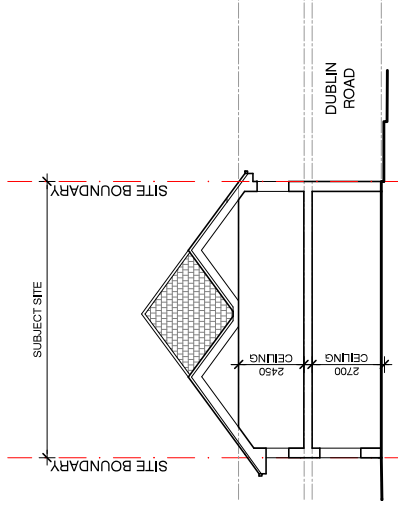
01 NORTH / FRONT ELEVATION (DUBLIN ROAD)
SCALE: 1:200



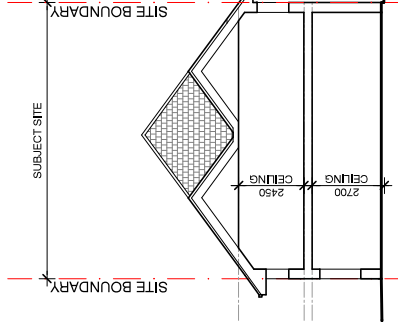
02 WEST / SIDE ELEVATION
SCALE: 1:200



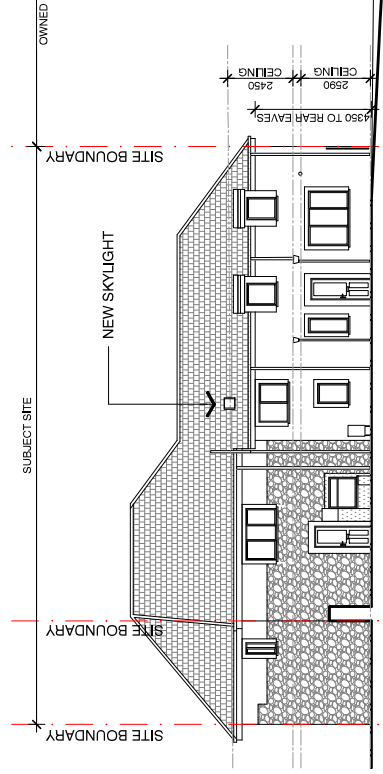
03 EAST / SIDE ELEVATION
SCALE: 1:200



04 SOUTH / REAR ELEVATION
SCALE: 1:200



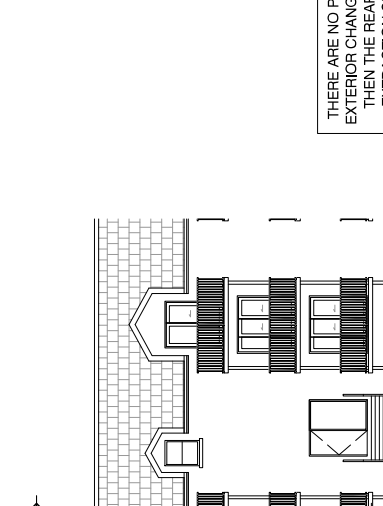
05 SECTION A-A
SCALE: 1:200



04 SOUTH / REAR ELEVATION
SCALE: 1:200



03 EAST / SIDE ELEVATION
SCALE: 1:200



01 NORTH / FRONT ELEVATION (DUBLIN ROAD)
SCALE: 1:200

THERE ARE NO PROPOSED
EXTERIOR CHANGES OTHER
THAN THE REAR SMOKE
EXTRACTION SKYLIGHT

REV	DESCRIPTION	DATE
A	SKETCH PROPOSAL ONLY	24.10.2023
B	SECTION 5 RESUBMISSION	02.02.2024

REV	DESCRIPTION	DATE
A	SKETCH PROPOSAL ONLY	24.10.2023
B	SECTION 5 RESUBMISSION	02.02.2024

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DWG TITLE
PROJECT
ADDRESS
SUBMIT

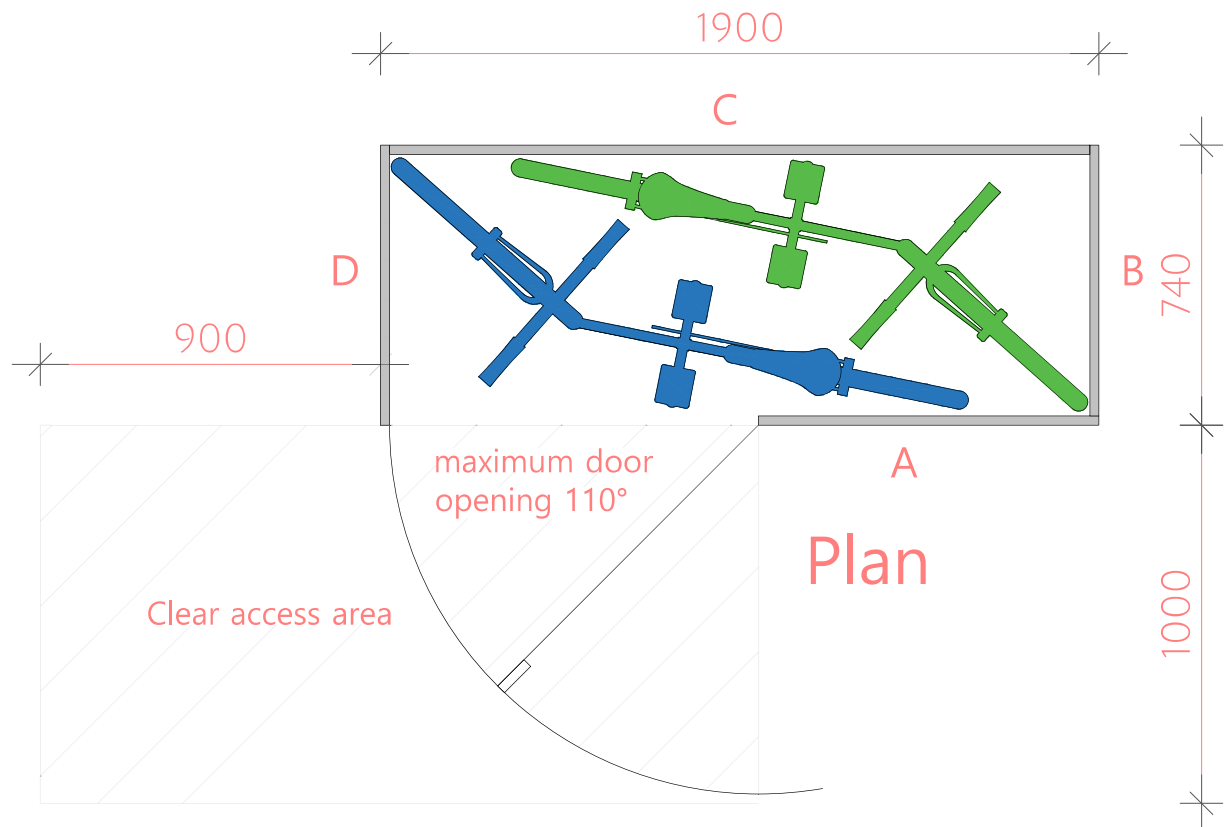
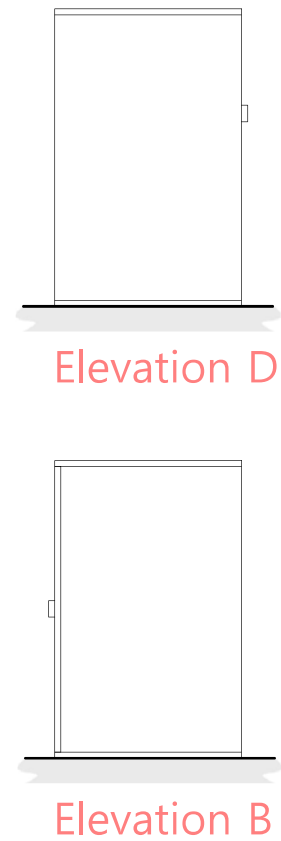
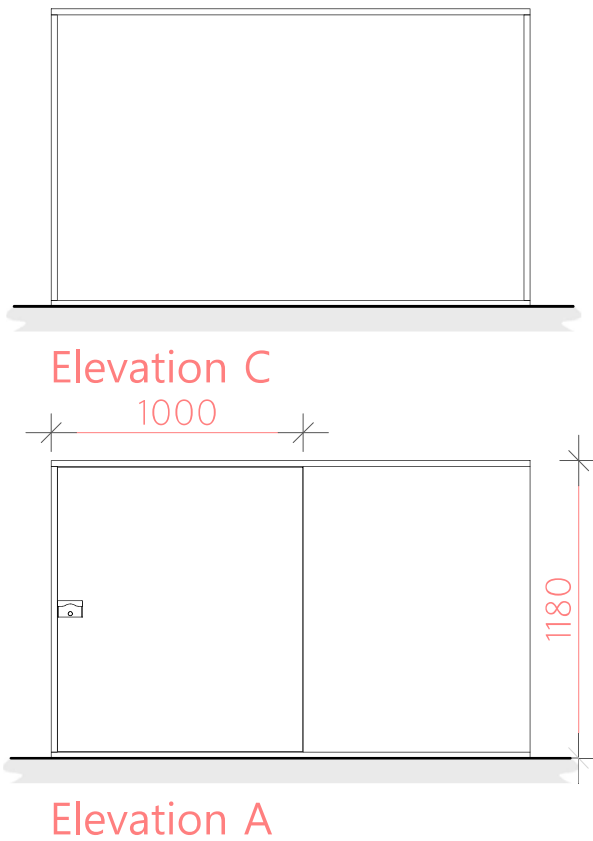
ELEVATIONS
SECTION A-A
CHANGE OF USE PROPOSAL
LEVEL 1, RIVERVIEW BUSINESS CENTRE, DUBLIN ROAD, CELBRIDGE
DAMIAN DONEGAN

DATE ISSUED
PROJECT REF
DRAWN
CHECKED
SCALE

SECTION 5 EXEMPTION
08.12.2023
1:200@A3

23014
DWG / DWG

Warrior 2- Horizontal Bike Locker LH - Leftthand







FINANCE CASH OFFICE

Kildare County Council

Áras Chill Dara

Devoy Park

Naas

Co. Kildare

07/02/2024 15:17:12

Receipt No. : FIN1/0/496259

ED1100 Damien & Antoinette Donegan

PLANNING EXEMPT DEVELOP FEES 80.00

GOODS 80.00

VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :

Credit Card 80.00

VD

**1906

0000

Change : 0.00

Issued By : Sally Pallister Finance Section

From : Financial Lodgement Area

Vat reg No.0440571C