

Comhairle Contae Chill Dara
Kildare County Council



Date: 15th August 2024
Our Ref: ED/1104.

C

Catherine Ann Johnson
Liffey Arms,
Main Street,
Newbridge,
Co. Kildare.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Liffey Arms, Main Street, Newbridge, Co. Kildare.

Dear Sir/Madam,

I refer to your correspondence received on 15th February 2024, 26th April 2024 and 9th July 2024 in connection with the above.

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/1104.

WHEREAS a question has arisen as to whether the change of use of the first floor office and associated space to 2 no. 2-bedroom units (as confirmed at CFI stage) at Liffey Arms, Main Street, Newbridge, Co. Kildare, is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 15th February 2024, further information received on 26th April 2024 and clarification of further information received on 9th July 2024.

AND WHEREAS Catherine Ann Johnson 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
- (c) Documentation received with the application

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

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

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 of the first floor office and associated space to 2 no. 2-bedroom units (as confirmed at CFI stage) at Liffey Arms, Main Street, Newbridge, Co. Kildare **is development and is exempted development pursuant to Section 4(1)(h) of the Planning and Development Act 2000 (as amended)** for the following reason:

It is considered that the proposed change of use constitutes development as defined in Section 3(1) of the Planning and Development Act 2000 (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.

15th August 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/1104.

Name Of Applicant(s):	Catherine Ann Johnson.
Address Of Development:	Liffey Arms, Main Street, Newbridge, Co. Kildare.
Development Description:	Change of commercial use to residential apartment.
CFI Received:	09/07/2024

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 change of use from commercial to residential (1 unit)

Site Location

The subject site is located at the corner of Main Street and Canning Place Rd in Newbridge town centre. There is an existing 2 storey public house present on site. Development in the vicinity consists of a vacant commercial property to the west and a constituency office to the east and rear.

Description of Proposed Development

The Applicant proposes a change of use of the first floor office and associated spaces to 1 no. of 6 bed residential unit. Floor plans indicate a mix of double and single rooms of varying sizes, a storage room and a kitchen/dining/living room. It is not stated if any external works are required to accommodate the proposed development.



Fig 1: Site Location and context (GIS)

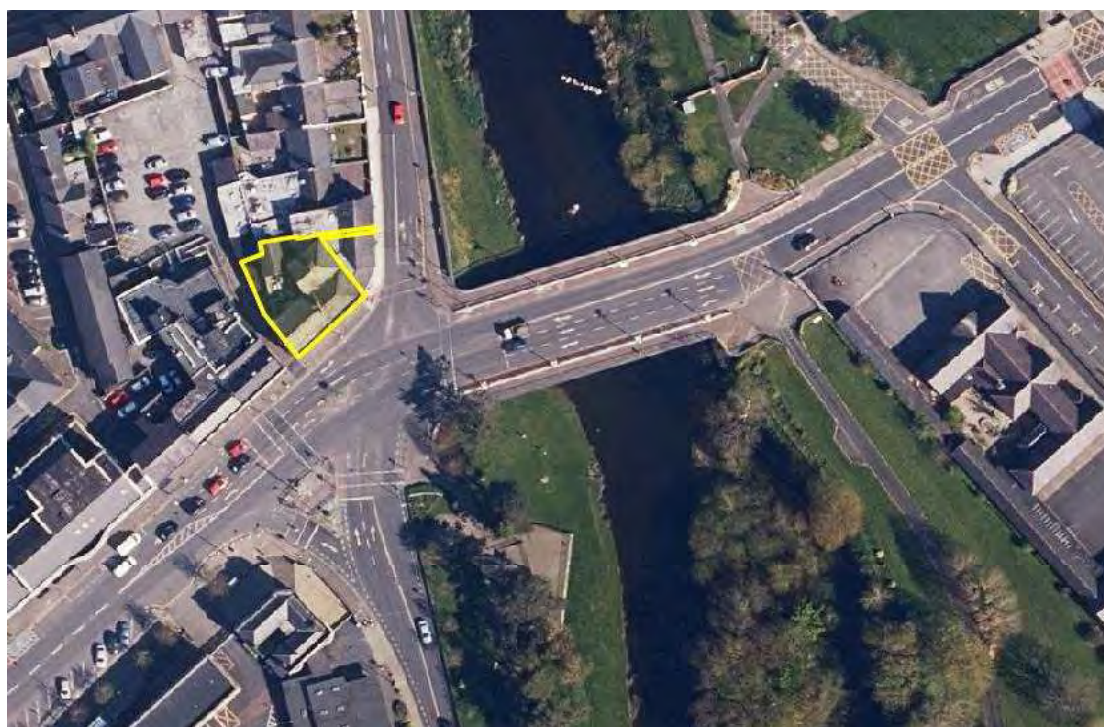


Fig 2: Aerial view of subject site (GIS)



Fig 3: Site Inspection Photo

Planning History

- 00/1106: Permission granted to Catherine Johnson for Extension which involves a change of use from shop and Chinese Take-away to lounge and toilets
- 97/955: Permission granted to Rose Johnson for Change of use of first floor storage area to accountant's office.
- 92/1019: Permission granted to Mr and Mrs Johnson for Extension and alterations to rear of existing premises and new shop front
- 82/738: Permission granted to John Johnson for Change of Use From Residential to Offices of First Floor Over the Liffey Arms

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 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(6)(a) - (e)

...(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2...

Assessment

The Applicant proposes a change of use of the first floor office and associated space to 1no. of 6 bed residential unit. Floor plans indicate a mix of double and single rooms of varying sizes, a storage room and a kitchen/dining/living room. It is not stated if any external works are required to accommodate the proposed development.

Under Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001, as amended, an exemption in relation to change of use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2 to residential use. Class 2 (a) financial services or (b) professional services (other than health or medical services) relate to the existing development, where the previous use appears to be an accountant practice. It is not stated if the subject unit has been unoccupied for a minimum period of 2 years as required under Article 10(6)(c)(iii).

The aforementioned legislation requires a notification to submitted to the Planning Authority under Article 10(6)(d) that the proposed works will be completed. It is noted the Applicant has submitted the subject Section 5 in this regard.

There are certain limitations relating to this exemption, of which the Applicant has not submitted sufficient detail to allow a full assessment to be carried out as follows:

Article	Requirement	Compliance
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Article 10(6)(d)(i)	The development is commenced and is/will be completed during the relevant period (18/02/2018 – 31/12/2025)	Works not commenced and not indicated when such works will take place
Article 10(6)(d)(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 <u>so as</u> to render its appearance inconsistent with the character of the structure or of neighbouring structures	Cannot determine if any external alterations are proposed
Article 10(6)(d)(iii)	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.	NA
Article 10(6)(d)(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.	It is not stated if the access at ground floor will be altered to accommodate the proposed development.
Article 10(6)(d)(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.	1 no. of 6 bed apartment CFI confirms 2 no. 2-bedroom units are proposed
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	While floor area is indicated, minimum widths are required on plans. Additional storage space is required to comply with

	section 28 of the Act or any subsequent updated or replacement guidelines.	
Article 10(6)(d)(vii)	Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.	Compliant
Article 10(6)(d)(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.	N/A
Article 10(6)(d)(ix)	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.	No restrictive conditions
Article 10(6)(d)(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.	N/A
Article 10(6)(d)(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	N/A
Article 10(6)(d)(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	NA

	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.	
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Conclusion

The Planning Authority cannot fully assess the subject application in the absence of specific information indicated in the above assessment.

Recommendation

It is recommended that the Further Information is requested in relation to the following:

1. In order for the subject declaration to be fully assessed in accordance with Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001, as amended, the Applicant is requested to provide the following details:
 - (a) The length of time the subject commercial unit has been unoccupied.
 - (b) The proposed timeframe for proposed development works (please note such works should be completed by 31/12/25 in order to comply with the above exemption).
 - (c) Confirmation that the subject works 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
 - (d) 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 Planning and Development Act 2000, as amended. The Applicant shall indicate on revised floors that proposed bedroom/living space areas and room widths comply with Appendix 1 of the aforementioned guidelines and indicate storage space of a minimum of 18sqm (please note no individual storage space shall be greater than 3.5sqm and shall not be accounted for as kitchen unit and wardrobe space).

Response to Further Information Request was submitted on 26/04/2024

1. *In order for the subject declaration to be fully assessed in accordance with Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001, as amended, the Applicant is requested to provide the following details:*
 - (a) The length of time the subject commercial unit has been unoccupied.*
 - (b) The proposed timeframe for proposed development works (please note such works should be completed by 31/12/25 in order to comply with the above exemption).*

- (c) Confirmation that the subject works 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
- (d) 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 Planning and Development Act 2000, as amended. The Applicant shall indicate on revised floors that proposed bedroom/living space areas and room widths comply with Appendix 1 of the aforementioned guidelines and indicate storage space of a minimum of 18sqm (please note no individual storage space shall be greater than 3.5sqm and shall not be accounted for as kitchen unit and wardrobe space).

Response and Assessment

The applicant has outlined that the unit has been unoccupied for 2 and a half years and it is expected that the works will be completed by September 2024. The applicant has confirmed that the works will only affect the interior of the structure.

Revised drawings have been received. However, the floor areas provided are not clearly legible. It appears that the applicant is now proposing to provide 2 no. 2-bedroom apartments. The applicant is requested to provide a schedule of accommodation to confirm floor areas.

Clarification of Further Information

1. Having regard to the drawing size submitted at Further Information stage (i.e. printed and submitted at A4), the floor areas are not clearly legible. It appears that the applicant is now proposing to provide 2 no. 2-bedroom apartment units. The applicant is requested to provide a schedule of accommodation to confirm the proposed floor areas as well as drawings printed to the appropriate size and scale.

Response and Assessment

The applicant has submitted revised drawings. It is proposed to provide 2 no. 2-bedroom apartment units.

Conclusion:

Having regard to:

- Sections 2, 3 and 5 of the Planning and Development Act 2000 (as amended).
- Article 6, 9 and 10 of the Planning and Development Regulations 2001 (as amended); and
- The nature and extent of the proposal

It is considered that the proposed change of use **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is exempted development** as defined under Section 4(1)(h) of the Planning and Development Act 2000 (as amended), 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.
(See declaration included overleaf)

Signed: *Catherine Dockery*
Assistant Planner

Date: 18/07/2024

Signed:

 Thane Donohoe
A/Senior Executive Planner

14/08/2024

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

WHEREAS a question has arisen as to whether the change of use of the first floor office and associated space to 2 no. 2-bedroom units (as confirmed at CFI stage) at Liffey Arms, Main Street, Newbridge, Co. Kildare is exempted development or is not exempted development.

AS INDICATED on the plans and particulars received by the Planning Authority on 15/02/2024, further information received on 26/04/2024 and clarification of further information received on 09/07/2024.

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

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

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 of the first floor office and associated space to 2 no. 2-bedroom units (as confirmed at CFI stage)

IS development and IS exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (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.

Signed: _____

**APPROPRIATE ASSESSMENT SCREENING REPORT
AND**



DETERMINATION

(A) Project Details

Planning File Ref	ED1104
Applicant name	Catherine Ann Johnson
Development Location	Main St, Newbridge
Application accompanied by an EIS (Yes/NO)	NA
Distance from Natura 2000 site in km	2.3km south west of subject site
Description of the project/proposed development – COU from commercial to residential	

(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 SAC site, and the relatively small-scale nature and extent of the proposal, it is considered no potential exists for significant effects on the Natura 2000 network.		
Name:	C Dockery	
Position:	Assistant Planner	
Date:	15/05/2024	

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL

Director of Services Order



I, Alan Dunney, Director of Services, am duly authorised and delegated by Chief Executive's Order number: CE48043 to make the following Order in accordance with Section 154 of the Local Government Act, 2001, as amended.

ORDER NO: DO54312

Section: Planning

SUBJECT:

ED1104

Catherine Ann Johnson Liffey Arms, Main Street, Newbridge, Co. Kildare.

Exempt Development Application for change of use of first floor office and associated space to 2 no. 2-bedroom units (as confirmed at CFI Stage) at Liffey Arms, Main Street, Newbridge, Co. Kildare

SUBMITTED:

File Ref: ED1104 with recommendation from the Senior Executive Planner and reports from the Council's Technical Officers.

ORDER:

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

MADE THIS 19th DAY

OF August YEAR 2024

SIGNED: Alan Dunney

DIRECTOR OF SERVICES

A stylized blue ink signature of Alan Dunney.

Comhairle Contae Chill Dara
Kildare County Council



Date: 15th May 2024.
Our Ref: ED/1104.

Catherine Ann Johnson,
Liffey Arms,
Main Street,
Newbridge,
Co. Kildare.

RE: Application for a Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended) at Liffey Arms, Main Street, Newbridge, Co. Kildare.

Dear Madam,

I refer to your application for a Section 5 Declaration received on 15th February 2024.

In order for the subject declaration to be fully assessed in accordance with Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001, as amended, please provide the following details:

1. Having regard to the drawing size submitted at Further Information stage (i.e. printed and submitted at A4 size), the floor areas are not clearly legible. It appears that the applicant is now proposing to provide 2 no. 2-bedroom apartment units. The applicant is requested to provide a schedule of accommodation to confirm the proposed floor areas as well as drawings printed to the appropriate size and scale.

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

Yours sincerely,


**Senior Executive Officer,
Planning Department.**

Kildare Couty Council
Aras Chill Dara
Devoy Park
Naas
Co Kildare

Date: 25th April 2024

Your ref: ED/1104

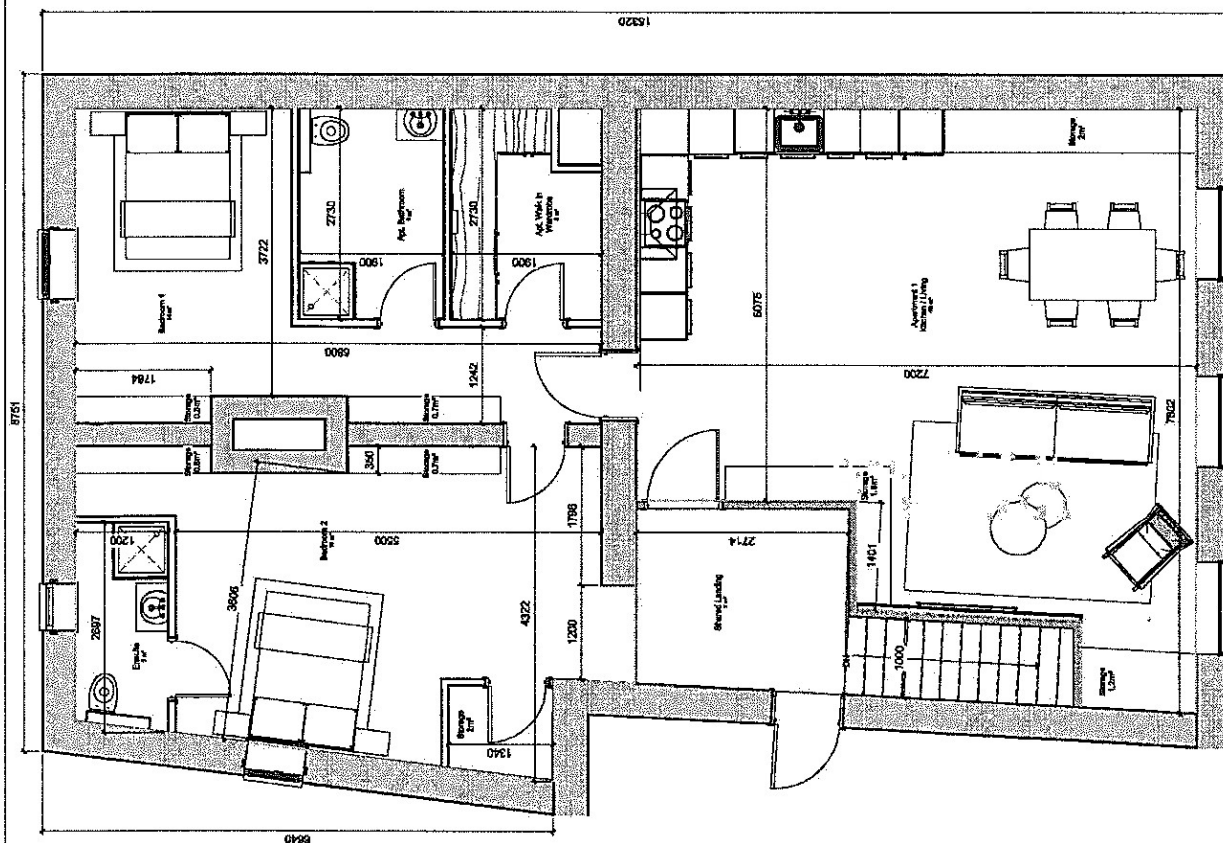
In connection with your letter dated 11th March 2024 re application for a section 5 declaration please see below answers to your questions:

1. Length of time unit unoccupied – 2 and half year
2. Timeframe for proposed development works – job will be completed by September 2024
3. Works only affect the interior of the structure.
4. Please find attached plans

Should you have any questions please contact me.

Catherine Johnson





Key Point:

Apartment 1:

Apartment 2:

Sharing Landing Space:

The Well - 30 Minute Integrity

Fire Door - 30 Minute Integrity

Electron Transfer:

Apartment 1: 9.4 m²Madare County Council
Planning Department

26 APR 2024

SECRET

Notes

FOR ANY SCALE, USE ONLY LISTED DIMENSIONS.
PREF. SHOULD BE GIVEN ON SITE BEFORE
ANY CONCRETE.

FOUNDATIONS SHALL BE CONSTRUCTED IN ACCORDANCE WITH ENGINEERING DRAWINGS AND SPECIFICATIONS.

ALL WORK TO BE CARRIED OUT IN ACCORDANCE.

21. *Environ. Health Perspect.* 1990;93:117-121.

SECRETARY (continued)

THESE DOCUMENTS ARE FOR PLANNING PURPOSES ONLY. FOR SUBMISSION TO THE

PLEASE

ADDRESS FOR PEOPLE WITH BUSINESSES.
THE NEW "POINT" OF REGULATION.

.....

[illegible]

CODE	ELIABILITY DESCRIPTION
TATUS	PURPOSE OF ISSUE

PROJECT

Johnson's Liffey Arms

5.1

Apartment 1

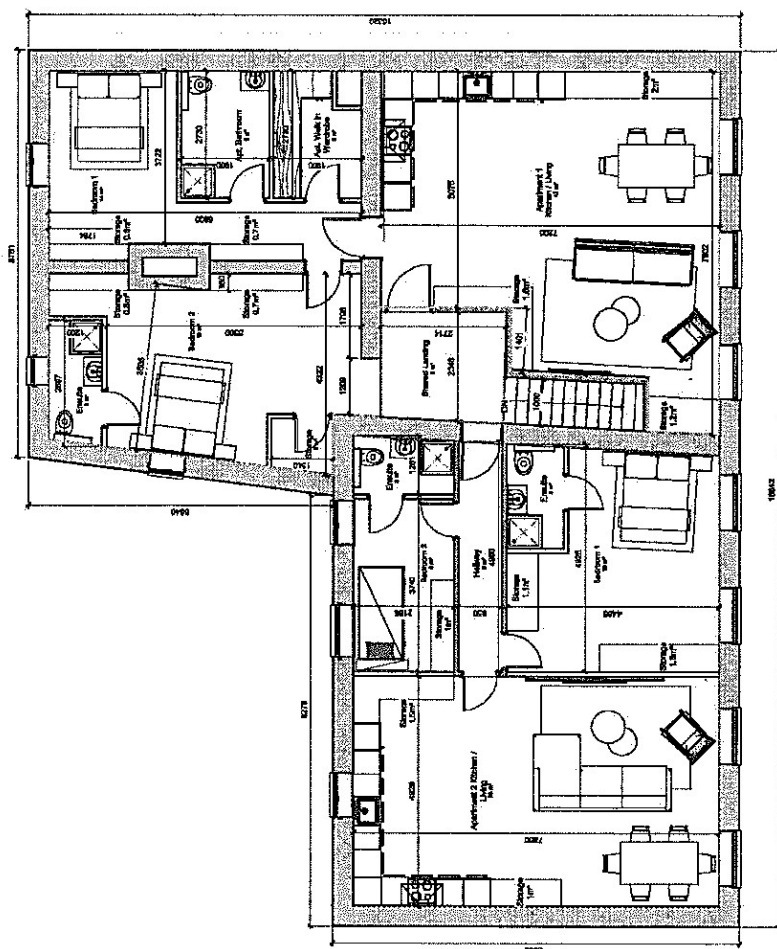
UNIT

Pat Healy

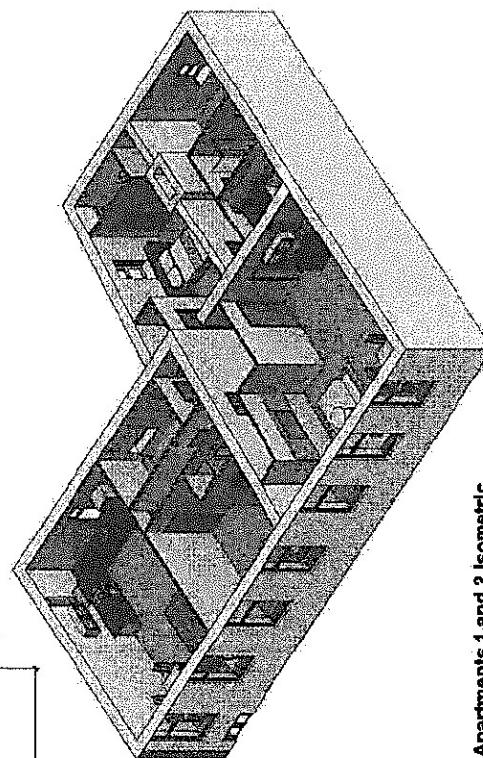
RECEIVED BY	CHECKED BY	DATE

PROJECT NUMBER	1
SCALE (1"=1')	1"=1'

REV	101
DRAWING NUMBER	

[illegible]

Overall Floor Plan
1:50



Apartments 1 and 2 Isometric

Kildare County Council
Planning Department

26 APR 2024

RECEIVED

Comhairle Contae Chill Dara
Kildare County Council



Date: 11th March 2024.
Our Ref: ED/1104.

Catherine Ann Johnson,
Liffey Arms,
Main Street,
Newbridge,
Co. Kildare.

RE: Application for a Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended) at Liffey Arms, Main Street, Newbridge, Co. Kildare.

Dear Madam,

I refer to your application for a Section 5 Declaration received on 15th February 2024. Please find enclosed Receipt no. FIN1/0/496565 in relation to fee paid.

In order for the subject declaration to be fully assessed in accordance with Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001, as amended, please provide the following details:

1. The length of time the subject commercial unit has been unoccupied.
2. The proposed timeframe for proposed development works (please note such works should be completed by 31/12/25 in order to comply with the above exemption).
3. Confirmation that the subject works 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.
4. 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 Planning and Development Act 2000 (as amended). The Applicant shall indicate on revised floor plans that proposed bedroom/living space areas and room widths comply with Appendix 1 of the aforementioned guidelines and indicate storage space of a minimum of 18sqm (please note no individual storage space shall be greater than 3.5sqm and shall not be accounted for as kitchen unit and wardrobe space).

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/1104.

Name Of Applicant(s):	Catherine Ann Johnson.
Address Of Development:	Liffey Arms, Main Street, Newbridge, Co. Kildare.
Development Description:	Change of commercial use to residential apartment.
FI Received:	26/04/2024
Due date	17/05/2024

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 change of use from commercial to residential (1 unit)

Site Location

The subject site is located at the corner of Main Street and Canning Place Rd in Newbridge town centre. There is an existing 2 storey public house present on site. Development in the vicinity consists of a vacant commercial property to the west and a constituency office to the east and rear.

Description of Proposed Development

The Applicant proposes a change of use of the first floor office and associated spaces to 1no. of 6 bed residential unit. Floor plans indicate a mix of double and single rooms of varying sizes, a storage room and a kitchen/dining/living room. It is not stated if any external works are required to accommodate the proposed development.



Fig 1: Site Location and context (GIS)

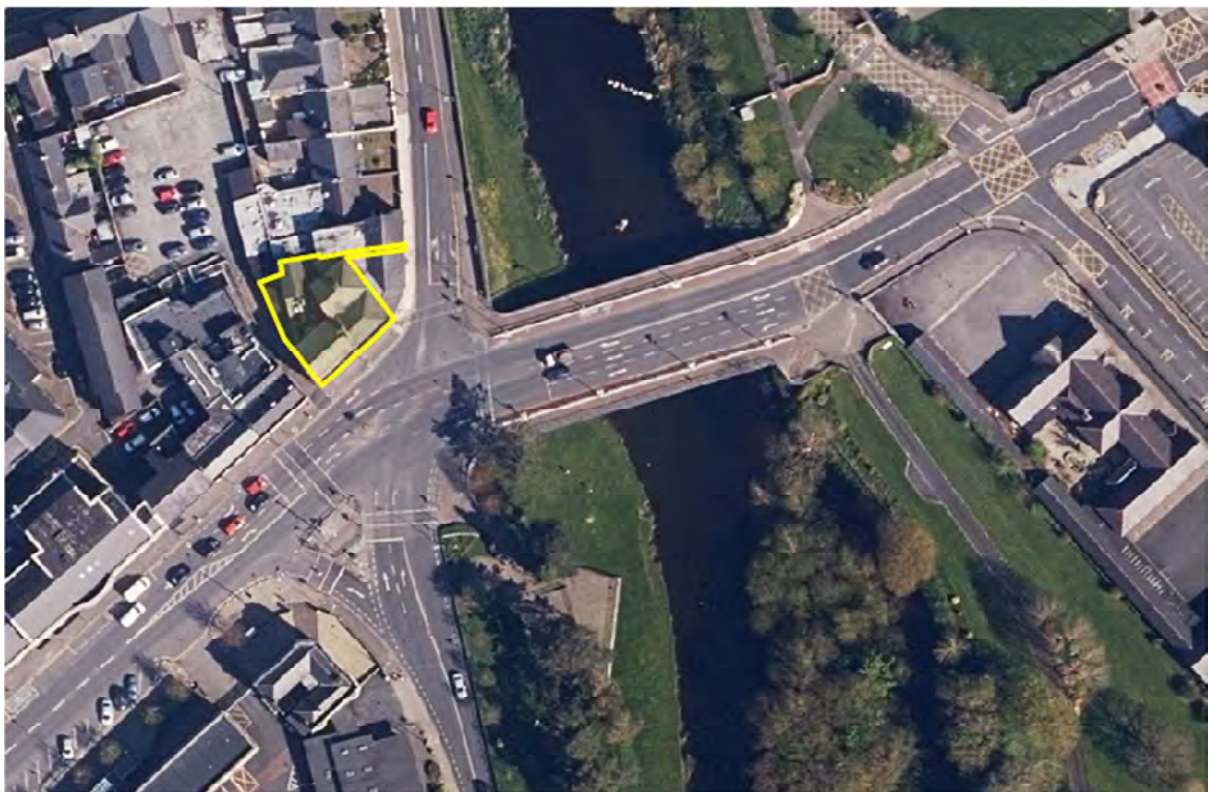


Fig 2: Aerial view of subject site (GIS)



Fig 3: Site Inspection Photo

Planning History

- 00/1106: Permission granted to Catherine Johnson for Extension which involves a change of use from shop and Chinese Take-away to lounge and toilets
- 97/955: Permission granted to Rose Johnson for Change of use of first floor storage area to accountant's office.
- 92/1019: Permission granted to Mr and Mrs Johnson for Extension and alterations to rear of existing premises and new shop front
- 82/738: Permission granted to John Johnson for Change of Use From Residential to Offices of First Floor Over the Liffey Arms

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 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(6)(a) - (e)

...(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2...

Assessment

The Applicant proposes a change of use of the first floor office and associated space to 1no. of 6 bed residential unit. Floor plans indicate a mix of double and single rooms of varying sizes, a storage room and a kitchen/dining/living room. It is not stated if any external works are required to accommodate the proposed development.

Under Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001, as amended, an exemption in relation to change of use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2 to residential use. Class 2 (a) financial services or (b) professional services (other than health or medical services) relate to the existing development, where the previous use appears to be an accountant practice. It is not stated if the subject unit has been unoccupied for a minimum period of 2 years as required under Article 10(6)(c)(iii).

The aforementioned legislation requires a notification to be submitted to the Planning Authority under Article 10(6)(d) that the proposed works will be completed. It is noted the Applicant has submitted the subject Section 5 in this regard.

There are certain limitations relating to this exemption, of which the Applicant has not submitted sufficient detail to allow a full assessment to be carried out as follows:

Article	Requirement	Compliance
---------	-------------	------------

Article 10(6)(d)(i)	The development is commenced and is/will be completed during the relevant period (18/02/2018 – 31/12/2025)	Works not commenced and not indicated when such works will take place
Article 10(6)(d)(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 <u>so as</u> to render its appearance inconsistent with the character of the structure or of neighbouring structures	Cannot determine if any external alterations are proposed
Article 10(6)(d)(iii)	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.	NA
Article 10(6)(d)(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.	It is not stated if the access at ground floor will be altered to accommodate the proposed development.
Article 10(6)(d)(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.	1no. of 6 bed apartment
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.	While floor area is indicated, minimum widths are required on plans. Additional storage space is required to comply with

Article 10(6)(d)(vii)	Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.	Compliant
Article 10(6)(d)(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.	N/A
Article 10(6)(d)(ix)	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.	No restrictive conditions
Article 10(6)(d)(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.	N/A
Article 10(6)(d)(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	N/A
Article 10(6)(d)(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	NA

	Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.	
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Conclusion

The Planning Authority cannot fully assess the subject application in the absence of specific information indicated in the above assessment.

Recommendation

It is recommended that the Further Information is requested in relation to the following:

1. In order for the subject declaration to be fully assessed in accordance with Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001, as amended, the Applicant is requested to provide the following details:
 - (a) The length of time the subject commercial unit has been unoccupied.
 - (b) The proposed timeframe for proposed development works (please note such works should be completed by 31/12/25 in order to comply with the above exemption).
 - (c) Confirmation that the subject works 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
 - (d) 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 Planning and Development Act 2000, as amended. The Applicant shall indicate on revised floors that proposed bedroom/living space areas and room widths comply with Appendix 1 of the aforementioned guidelines and indicate storage space of a minimum of 18sqm (please note no individual storage space shall be greater than 3.5sqm and shall not be accounted for as kitchen unit and wardrobe space).

Response to Further Information Request was submitted on 26/04/2024

1. *In order for the subject declaration to be fully assessed in accordance with Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001, as amended, the Applicant is requested to provide the following details:*
 - (a) *The length of time the subject commercial unit has been unoccupied.*
 - (b) *The proposed timeframe for proposed development works (please note such works should be completed by 31/12/25 in order to comply with the above exemption).*
 - (c) *Confirmation that the subject works 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

- (d) *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 Planning and Development Act 2000, as amended. The Applicant shall indicate on revised floors that proposed bedroom/living space areas and room widths comply with Appendix 1 of the aforementioned guidelines and indicate storage space of a minimum of 18sqm (please note no individual storage space shall be greater than 3.5sqm and shall not be accounted for as kitchen unit and wardrobe space).*

Response and Assessment

The applicant has outlined that the unit has been unoccupied for 2 and a half years and it is expected that the works will be completed by September 2024. The applicant has confirmed that the works will only affect the interior of the structure.

Revised drawings have been received. However, the floor areas provided are not clearly legible. It appears that the applicant is now proposing to provide 2 no. 2-bedroom apartments. The applicant is requested to provide a schedule of accommodation to confirm floor areas.

Clarification of Further Information

1. Having regard to the drawing size submitted at Further Information stage (i.e. printed and submitted at A4), the floor areas are not clearly legible. It appears that the applicant is now proposing to provide 2 no. 2-bedroom apartment units. The applicant is requested to provide a schedule of accommodation to confirm the proposed floor areas **as well as drawings printed to the appropriate size and scale.**

Signed: Cateiona Dockery
Assistant Planner

Date: 15/05/2024

Signed:

Glenn Donohoe
A/Senior Executive Planner

15/05/2024

Appendix 1: Appropriate Assessment Screening



**APPROPRIATE ASSESSMENT SCREENING REPORT
AND
DETERMINATION**

(A) Project Details

Planning File Ref	ED1104
Applicant name	Catherine Johnson
Development Location	Main St, Newbridge

Application accompanied by an EIS (Yes/NO)	NA
Distance from Natura 2000 site in km	2.3km south west of subject site
Description of the project/proposed development – COU from commercial to residential	

(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
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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 SAC site, and the relatively small-scale nature and extent of the proposal, it is considered no potential exists for significant effects on the Natura 2000 network.		
Name:	C Dockery	
Position:	Assistant Planner	
Date:	15/05/2024	

KILDARE COUNTY COUNCIL



PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT

Section 5 referral & declaration on development & exempted development

Planning & Development Act 2000 (as amended)

Reference No. ED/1104.

Name Of Applicant(s):	Catherine Ann Johnson.
Address Of Development:	Liffey Arms, Main Street, Newbridge, Co. Kildare.
Development Description:	Change of commercial use to residential apartment.
Due date	14/3/2024.

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 change of use from commercial to residential (1 unit)

Site Location

The subject site is located at the corner of Main Street and Canning Place Rd in Newbridge town centre. There is an existing 2 storey public house present on site. Development in the vicinity consists of a vacant commercial property to the west and a constituency office to the east and rear.

Description of Proposed Development

The Applicant proposes a change of use of the first floor office and associated spaces to 1no. of 6 bed residential unit. Floor plans indicate a mix of double and single rooms of varying sizes, a storage room and a kitchen/dining/living room. It is not stated if any external works are required to accommodate the proposed development.



Fig 1: Site Location and context (GIS)

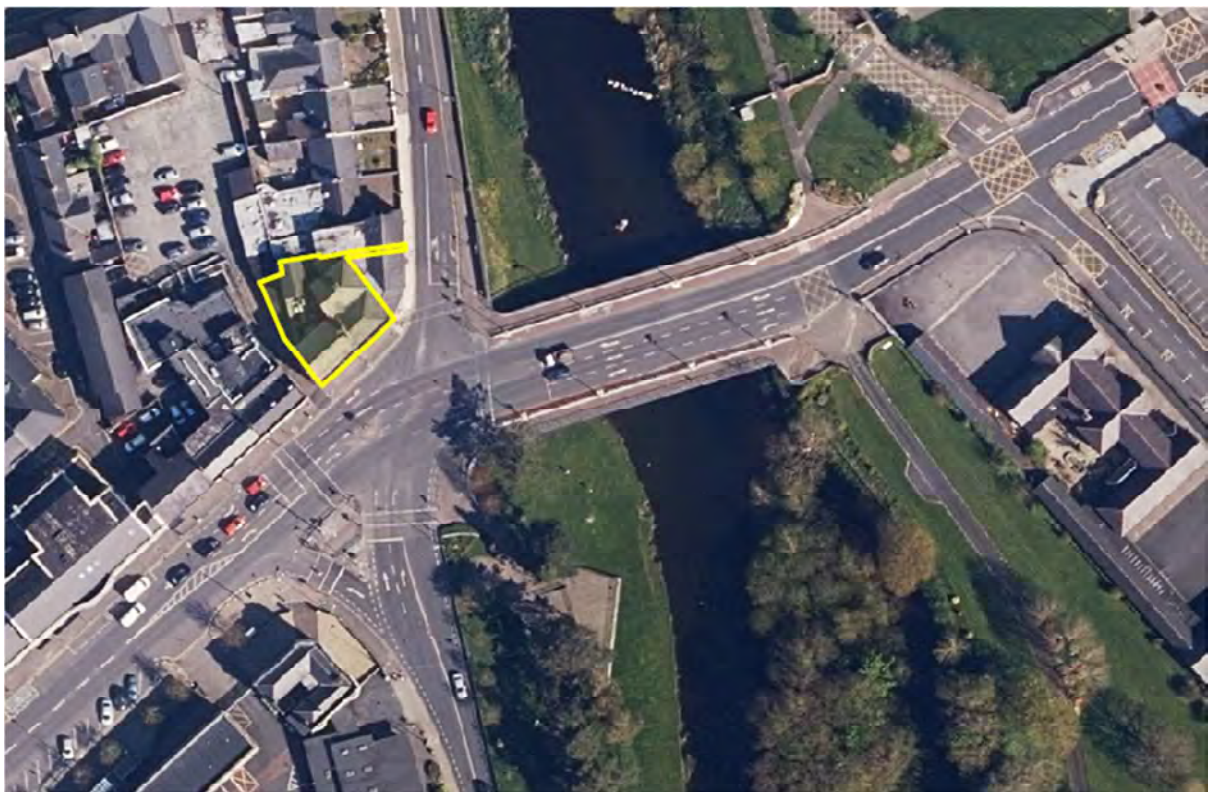


Fig 2: Aerial view of subject site (GIS)



Fig 3: Site Inspection Photo

Planning History

- 00/1106: Permission granted to Catherine Johnson for Extension which involves a change of use from shop and Chinese Take-away to lounge and toilets
- 97/955: Permission granted to Rose Johnson for Change of use of first floor storage area to accountant's office.
- 92/1019: Permission granted to Mr and Mrs Johnson for Extension and alterations to rear of existing premises and new shop front
- 82/738: Permission granted to John Johnson for Change of Use From Residential to Offices of First Floor Over the Liffey Arms

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 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(6)(a) - (e)

...(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2...

Assessment

The Applicant proposes a change of use of the first floor office and associated space to 1no. of 6 bed residential unit. Floor plans indicate a mix of double and single rooms of varying sizes, a storage room and a kitchen/dining/living room. It is not stated if any external works are required to accommodate the proposed development.

Under Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001, as amended, an exemption in relation to change of use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2 to residential use. Class 2 (a) financial services or (b) professional services (other than health or medical services) relate to the existing development, where the previous use appears to be an accountant practice. It is not stated if the subject unit has been unoccupied for a minimum period of 2 years as required under Article 10(6)(c)(iii).

The aforementioned legislation requires a notification to be submitted to the Planning Authority under Article 10(6)(d) that the proposed works will be completed. It is noted the Applicant has submitted the subject Section 5 in this regard.

There are certain limitations relating to this exemption, of which the Applicant has not submitted sufficient detail to allow a full assessment to be carried out as follows:

Article	Requirement	Compliance
Article 10(6)(d)(i)	The development is commenced and is/will be completed during the relevant period (18/02/2018 – 31/12/2025)	Works not commenced and not indicated when such works will take place
Article 10(6)(d)(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 <u>so as</u> to render its appearance inconsistent with the character of the structure or of neighbouring structures	Cannot determine if any external alterations are proposed
Article 10(6)(d)(iii)	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.	NA
Article 10(6)(d)(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.	It is not stated if the access at ground floor will be altered to accommodate the proposed development.
Article 10(6)(d)(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.	1no. of 6 bed apartment
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	While floor area is indicated, minimum widths are required on plans. Additional storage space is required to comply with

	section 28 of the Act or any subsequent updated or replacement guidelines.	
Article 10(6)(d)(vii)	Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.	Compliant
Article 10(6)(d)(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.	N/A
Article 10(6)(d)(ix)	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.	No restrictive conditions
Article 10(6)(d)(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.	N/A
Article 10(6)(d)(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	N/A
Article 10(6)(d)(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	NA

	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.	
--	--	--

Conclusion

The Planning Authority cannot fully assess the subject application in the absence of specific information indicated in the above assessment.

Recommendation

It is recommended that the Further Information is requested in relation to the following:

1. In order for the subject declaration to be fully assessed in accordance with Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001, as amended, the Applicant is requested to provide the following details:
 - (a) The length of time the subject commercial unit has been unoccupied.
 - (b) The proposed timeframe for proposed development works (please note such works should be completed by 31/12/25 in order to comply with the above exemption).
 - (c) Confirmation that the subject works 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
 - (d) 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 Planning and Development Act 2000, as amended. The Applicant shall indicate on revised floors that proposed bedroom/living space areas and room widths comply with Appendix 1 of the aforementioned guidelines and indicate storage space of a minimum of 18sqm (please note no individual storage space shall be greater than 3.5sqm and shall not be accounted for as kitchen unit and wardrobe space).

Signed:



C Scanlon

Executive Planner

Date:

11/03/24

Signed:

Elaine Donohoe

A/Senior Executive Planner

11/03/2024

Appendix 1: Appropriate Assessment Screening



APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION

(A) Project Details

Planning File Ref	ED1104
Applicant name	Catherine Johnson
Development Location	Main St, Newbridge
Application accompanied by an EIS (Yes/NO)	NA
Distance from Natura 2000 site in km	2.3km south west of subject site
Description of the project/proposed development – COU from commercial to residential	

(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	<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

	Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake		
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 SAC site, and the relatively small-scale nature and extent of the proposal, it is considered no potential exists for significant effects on the Natura 2000 network.		
Name:	C Scanlon	
Position:	Executive Planner	
Date:	11/03/24	

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 JOHNSON Forenames CATHERINE ANN
Phone No. [REDACTED] Fax No.
2. Address LIFEY ARMS
MAIN STREET NEWBRIDGE CO. KILDARE

Section 2	Person/Agent acting on behalf of applicant (if applicable)
-----------	--

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

Section 3	Company Details (if applicable)
-----------	---------------------------------

1. Name of Company Sunhill Taverns Ltd
Phone No. Fax No.
2. Company Reg. No. 318164
3. Address MAIN STREET, NEWBRIDGE, CO. KILDARE



Section 4	Details of Site
-----------	-----------------

1. Planning History of Site LAST APPLICATION 20/6/2000
2. Location of Proposed Development AS ABOVE
3. Ordnance Survey Sheet No. 3606-C
4. Please state the Applicants interest in the site OWNER
5. Please state the extent of the proposed development COMMERCIAL USE TO ACCOMMODATE

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).....

TURNING OFFICE SPACE ON
THE FIRST FLOOR BUILDING
TO RESIDENTIAL SPACE

Kildare County Council
Planning Department
15 FEB 2024
RECEIVED

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)	<input checked="" type="checkbox"/>
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	<input checked="" type="checkbox"/>
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	<input checked="" type="checkbox"/>
4.	All drawings to differentiate between the original building, all extensions and proposed development	NA
5.	Fee of 80 Euro	

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

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

Signature: C Johnson

Date: 24/2/2024

680501

680734 715474

JAMES FAGAN & ASSOCIATES
Hawfield,
Newbridge,
Co. Kildare

ITM CENTRE PT COORDS

680618,715388

DESCRIPTION

MAP SHEETS

1:1000
3605-11 3606-12

OS
Authorised
Internet Map

Don't Missed your area Available to Short-Term Visit Ontario
Chronic Illnesses in the Province, Both Age Class & Sex
Compiled and published by Ontario Survey
Federal, Municipal, District & Provincial

These cases are common. My conclusion is that you should give the patient the best chance of a cure, and if you cannot do this, then you should give the patient the best chance of a cure. In other words, you should give the patient the best chance of a cure.

It is a common fallacy, however, to think that a healthy or an internally healthy person is also healthy. The representation on this map of a good tank or a good ship is not evidence of the existence of a good crew.

the respondents believed as child protective investigators, it
 should become a physical assault on someone first, not
 a threat to the welfare of the child.

© Suirbhéalacht Ordánais Éireann, 2017
© Ordnance Survey Ireland, 2017

715302

Plot Ref. No. 19761888_1_1
Plot Date 18-OCT-2017

Scale:- 1:1,000
Scale:- 1:1,000

Scale:- 1:1,000
Scála:- 1:1,000

215352

680501

Kildare County Council
Planning Department

15 FEB 2024

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N. 715400

E. 680700

E. 680500


E. 680500

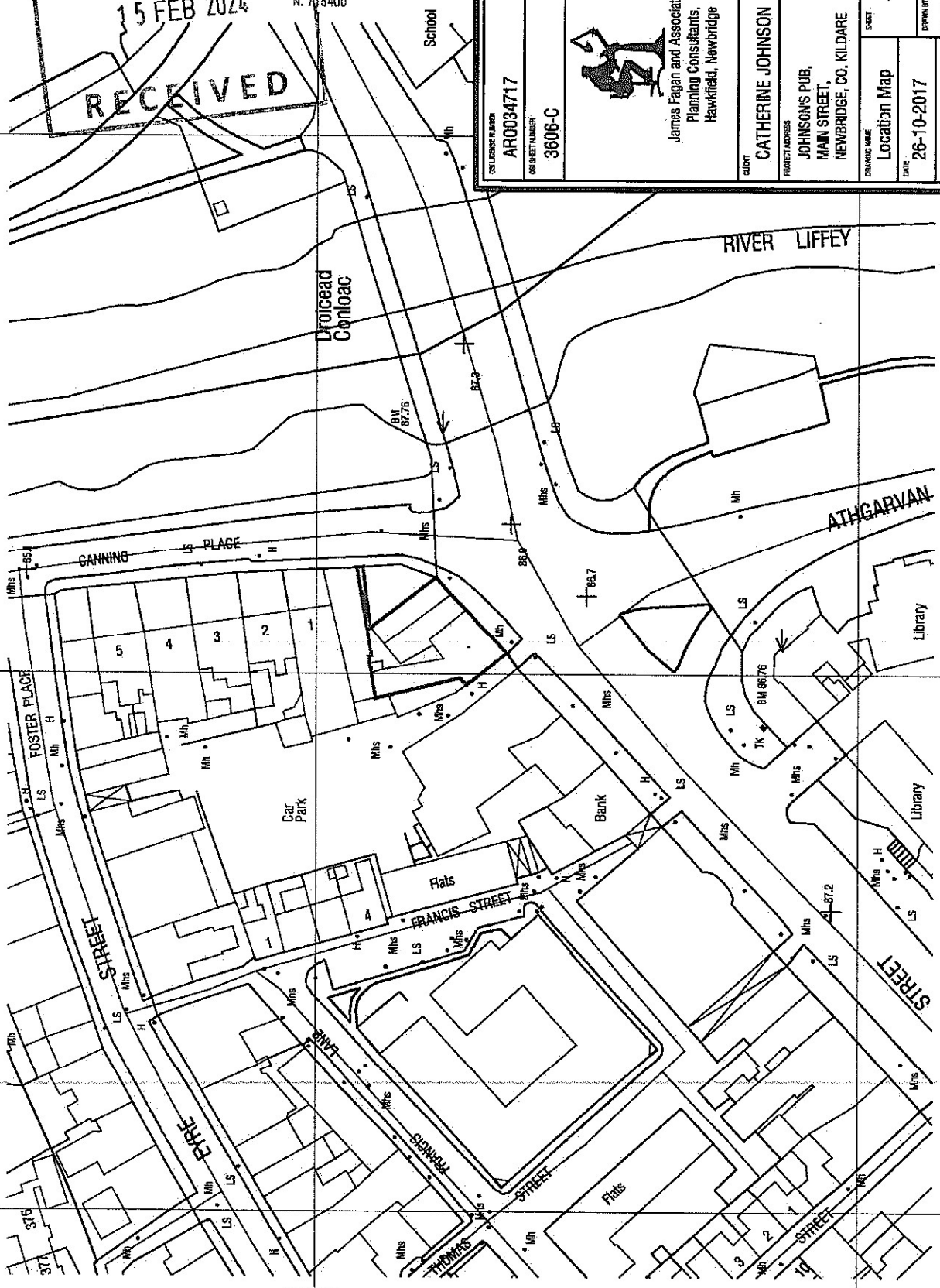
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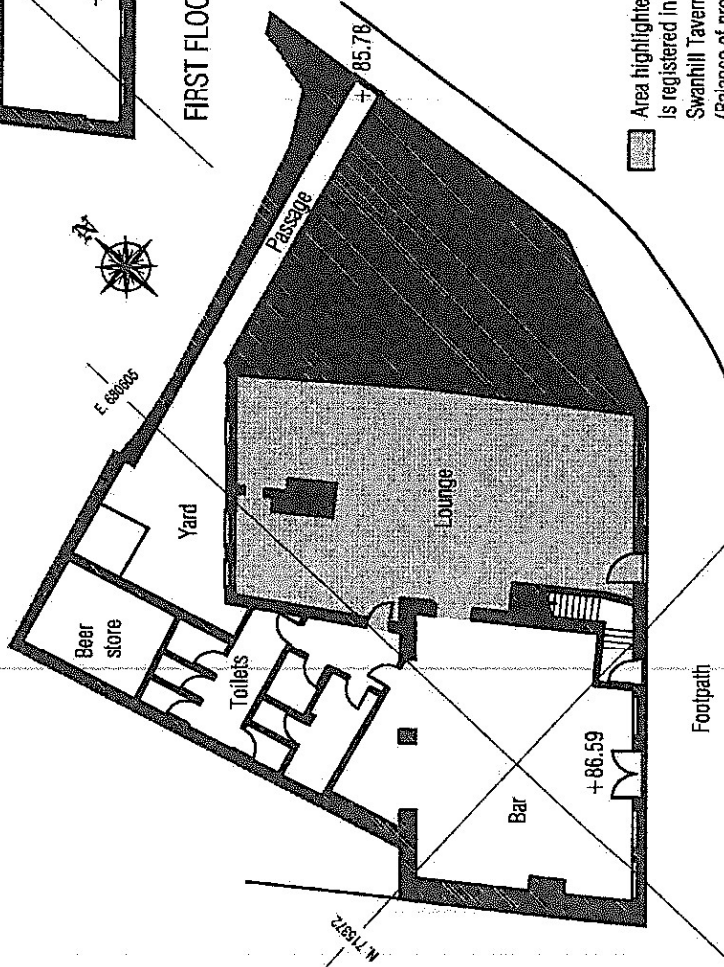
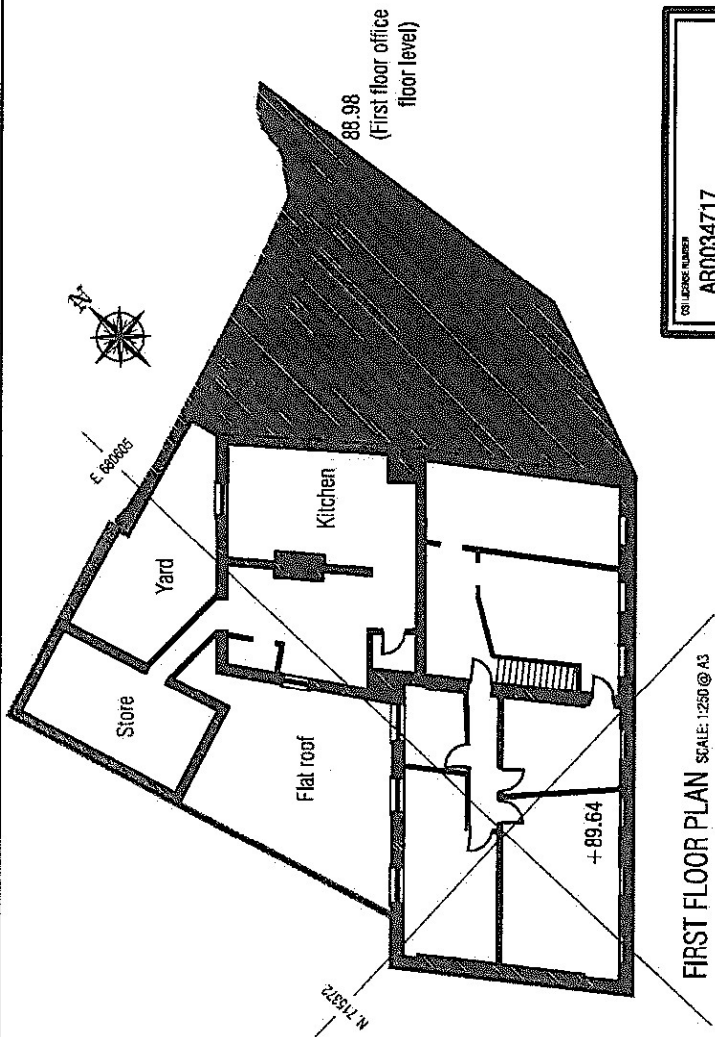
N. 715400

N. 715300


		CLIENT CATHERINE JOHNSON	
COLLUSION NUMBER AR0034717		PROJECT ADDRESS JOHNSON'S PUB, MAIN STREET, NEWBRIDGE, CO. KILDARE	
SUBJECT NUMBER 3606-C		DRAWING NAME Location Map	
DATE 26-10-2017		SCALE 1:1000	
SHEET 1		DRAWN BY B. Fagan	

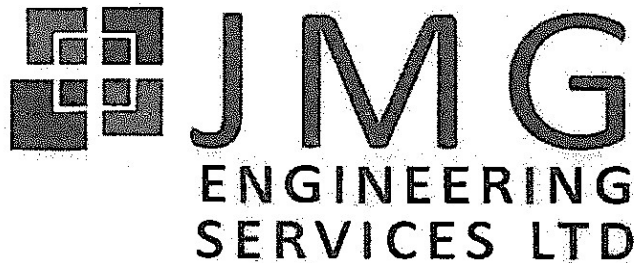


Kildare County Council
Planning Department
15 FEB 2024
RECEIVED



Area highlighted in green
is registered in the name of
Swanhill Taverns Limited
(Balance of property is currently
owned by Rosa Johnson)

CDL LICENSE NUMBER AR0034717			CLIENT CATHERINE JOHNSON	
CDL SHEET NUMBER 3606-C			PROJECT ADDRESS JOHNSON'S PUB, MAIN STREET, NEWBRIDGE, CO. KILDARE	
DRAWING NAME Floor Plans		SHEET 4		DRAWN BY B. Fagan
DATE 26-10-2017		SCALE 1:250 @ A3		



Astral House, Eyre Street, Newbridge, Co. Kildare.

Telephone: 045 - 436053 / 086 - 6097429

Email: john@jmg.ie

Certificates of Compliance with Planning / Building, Percolation Tests, Property Building Inspections, Building Pathology, Snag Lists, Mortgage Stage Payments, Insurance Claims, Loss Assessing & Project Management.

Professionally Insured & Regulated by The Central Bank of Ireland

Ref: Johnson's Public House (The Liffey Arms), No 1 Main Street, Newbridge, Co Kildare, W12 KV29.

Certificate of Compliance on Planning History For Johnson's Public House

(The Liffey Arms), No 1 Main Street, Newbridge, Co Kildare, W12 KV29.

We confirm that we (JMG Engineering Services Ltd) are a certified engineering practice and are registered with the Irish Engineering Institution (Membership No: 035836) and are professionally insured.

We JMG Engineering Services Ltd have been retained by Coughlan White Solicitors, (hereafter called the "Employer") to furnish an opinion on the planning history of Johnson's Public House (The Liffey Arms), No 1 Main Street, Newbridge, Co Kildare, W12 KV29 (Hereafter called the "Relevant Development, Building, or Works").

This opinion is issued solely for the purpose of providing evidence of the planning history of the Relevant Development, Building or Works in Kildare County Councils Planning Department. It is not a report on the condition or structure of the Relevant Development, Building or Works & not a valuation report in connection with such.

- **Professional Services:** We JMG Engineering Services Ltd carried out a planning search in the Offices of Kildare County Council on the 23rd of October 2023 in connection with the Relevant Development, Building, or Works. We also carried out a site inspection of the Relevant Development, Building, or Works on the 23rd of October 2023.
- **Inspection:** On the on the 23rd of October 2023, we JMG Engineering Services Ltd carried out a Visual Unobtrusive Superficial Inspection of the Relevant Development, Building, or Works for the purpose (a) Noting any unauthorized developments (b) establishing the Planning Permission History of the Relevant Development, Building or Works.
- **Unauthorized Developments:** From an on-site inspection and comparing the on-site inspection with the grants of planning for the Relevant Development, Building or Works, we JMG Engineering Services Ltd can confirm that there are no unauthorized developments on the Relevant Development, Building or Works. We JMG Engineering Services Ltd can also confirm that there are no unauthorized developments listed for the Relevant Development, Building or Works in Kildare County Council.
- **Planning Permission History of the Relevant Development, Building or Works:** A number of planning permissions were noted. We can confirm the planning grants listed below are the only ones relevant to the Relevant Development, Building or Works.

78/501 – Permission for alterations & renovations to licensed premises - J. Johnson – **Granted.**

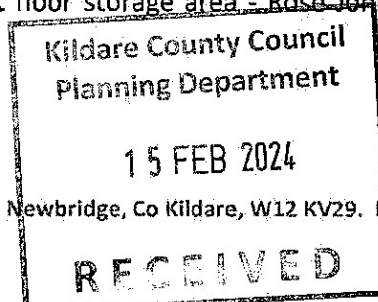
82/732 – Permission for beer store – John Johnson – **Granted.**

82/738 – Permission for change of use from residential to offices of first floor over The Liffey Arms – John Johnson – **Granted.**

89/615 – Permission for erection of T.V. satellite dish at rear - A. Magee – **Granted - 19/10/1989. The satellite dish is removed. No longer valid.**

92/1019 – Permission for extension and alterations to rear of existing premises and new shop front – J Johnson – **Granted - 23/12/1992**

97/955 – Permission for change of use of first floor storage area - Rose Johnson – **Granted - 08/10/1997.**



00/1106 – Permission for extension which involves a change of use from shop and Chinese Take-away to lounge and toilets - Cathrine Johnson – **Granted - 22/11/2000.**
This is the last works to be carried out.

03/1075 – Permission for conversion of office to new upstairs bar with new internal circulation stairs to rear of existing lounge and widen existing stairs, new toilet area enclosed on existing flat roof to side/rear of existing etc. - Catherine Johnson – **Incomplete Application. Now Void. Planning application is Dead.**

03/1561 – Permission for conversion of offices to new upstairs bar. Front office door is modified to double door with new roof and window modified to front elevation. Existing stairs modified and new internal stairs to rear and etc. - Catherine Johnson – **Deemed Withdrawn. Now Void. Planning application is Dead.**

We JMG Engineering Services Ltd are of the opinion taking into account the above granted permissions, that the planning grant reference number 00./ 1106 which was granted on the 22nd of November 2000, is the last works to have been carried out to the Relevant Development, Building or Works.

We JMG Engineering Services Ltd can confirm that no works have been carried out to the Relevant Development, Building or Works since the 00 / 1106 permission was constructed. We JMG Engineering Services Ltd can also confirm that the planning grant reference number 00 / 1106 supersedes the previous grants of planning to the Relevant Development, Building or Works.

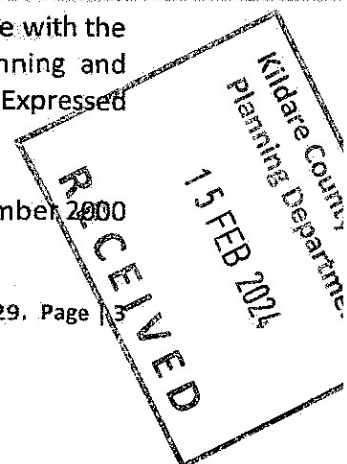
- **Planning Permission 00 / 1106:** A Notification to grant permission in respect of the Relevant Development, Building or Works as detailed below was issued by the relevant Planning Authority, copies of which are available for public inspection in the offices of the Planning Authority.

We JMG Engineering Services Ltd are of the opinion taking into account the measurements and location of the Relevant Development, Building or Works, that the Relevant Development, Building, or Works is in substantial compliance with the Planning Permission which was granted on the 22 / 11 / 2000 (**Planning Ref: No 00 / 1106.**

In the event that the Relevant Development, Building or Works and the site works pertaining thereto have not been built and/or laid out exactly in accordance with the said Permission / Approval any disparity is unlikely to affect the planning and development of the area as envisaged by the Planning Authority and Expressed through such Permission/Approval.

Registration Reference No: 00 / 1106

Date Of Grant: 22nd of November 2000



- **Design:** We JMG Engineering Services Ltd are of the opinion, from a Visual Unobtrusive Superficial Inspection (no intrusive or opening up works were carried out), that the Relevant Development, Building or Works is in compliance with the Building Regulations of the said time, where seen.
- **Construction:** It is the responsibility of those concerned with the construction of the Relevant Development, Building or Works to ensure the compliance of such with the Building Regulations.

We JMG Engineering Services Ltd did not provide professional services in connection with the construction of the Relevant Development, Building or Works.

In the absence of evidence of independent professional inspection of the Relevant Development, Building, or Works in the course of construction, we JMG Engineering Services Ltd are unable to comment on methods of construction or materials, elements and services of the Relevant Development, Building or Works, not evident by visual inspection.

We JMG Engineering Services Ltd are of the opinion, from a Visual Unobtrusive Superficial Inspection (no intrusive or opening up works were carried out), that the Relevant Development, Building or Works is in compliance with the Building Regulations of the said time, where seen.

- **Fire Safety:** We JMG Engineering Services Ltd are of the opinion that the Fire Safety Certificate (00 / 209) detailed relates to the Relevant Development Building or Works and was obtained in accordance with the provisions of the Building Control Act and Building Regulations.

We JMG Engineering Services Ltd are of the opinion, from a Visual Unobtrusive Superficial Inspection (no intrusive or opening up works were carried out), that the Relevant Development, Building or Works is in substantial compliance, where seen with Fire Certificate 00 / 209.

Building Control Authority: Kildare County Council

Reference No: Fire Cert 00 / 209

Date of Issue: 22nd of November 2000



Definitions

"Visual Inspection" means that no opening up was carried out, the inspection was therefore superficial only and took no account of works covered up, inaccessible or otherwise obscured from view, which may be fundamental to the matter of the substantial compliance of the relevant development, building or works.

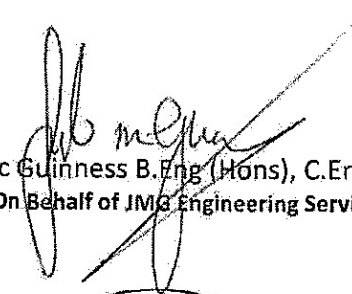
This opinion does not in any way warrant, represent or take into account any of the following matters:

Take Note as follows:

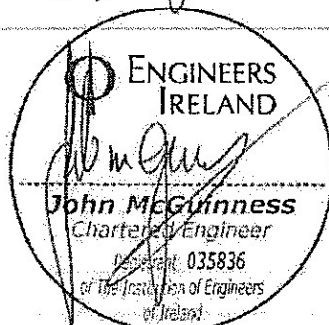
- The above opinions are confined to the works and to the services undertaken on foot of the contract and do not extend to any other building or construction of which the works form part or which may be contiguous.
- The above opinions are issued solely for the purposes of providing evidence for the planning history of the Relevant Development, Building or Works. It is not a Compliance with Building Regulations or a Compliance with Planning. It is not a report on the physical condition of the Relevant Development, Building or Works.
- We JMG Engineering Services Ltd are qualified to issue a certificate by virtue of the fact that the undersigned is a Chartered Engineer and a member of the Institution of Engineers of Ireland and we carry Professional Indemnity Insurance.


Should you have any queries, please contact JMG Engineering Services Ltd.

Regards


John Mc Guinness B.Eng (Hons), C.Eng, MSc Econ, Dip Con, C.I.P., M.I.I.L., M.I.E.I.
(For & On Behalf of JMG Engineering Services Ltd)

Date: 23rd of October 2023



 **JMG**
ENGINEERING
SERVICES LTD

Kildare County Council
Planning Department
15 FEB 2024
RECEIVED



FINANCE CASH OFFICE
Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare
15/02/2024 12:39:00

Receipt No. : FIN1/0/496565

Catherine Ann Johnson
Exempt Development Section 5

PLANNING EXEMPT DEVELOP FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
Cheque 80.00

Change : 0.00

Issued By : Margaret Jordan Finance Cash Office
From : Financial Lodgement Area
Vat reg No.0440571C