



LIMERICK CITY & COUNTY COUNCIL
PLANNING AND ENVIRONMENTAL SERVICES
SECTION 5 APPLICATION

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Sataner Ltd
Applicant's Address: Mount Kennett Place, Dock Road, Limerick V94 C1P8

Telephone No. [REDACTED]

Name of Agent (if any): Gleeson Mc Sweeney Architects

Address: 99 O'Connell Street, Limerick
V94 P8CY

Telephone No. C/O 087 2258955

Address for Correspondence:

C/O Gleeson Mc Sweeney Architects 99 O'Connell St., Limerick



Location of Proposed development:

Lower and upper Ground floor office unit, Mount Kennett Court .
Windmill St., Limerick V94 C1P8

Description of Proposed development:

The application is to seek confirmation that the change of use and subdivision of an existing unoccupied lower and upper ground floor commercial unit to seven apartments is an exempted development as permitted in the Planning and Development Act (Exempted Development) Regulations 2022 (S.I. 75 of 2022).

Is this a Protected Structure or within the curtilage of a Protected Structure.
YES/NO No

Applicant's interest in site: Owner

List of plans, drawings, etc. submitted with this application:

2508/126/ 01 Lower Ground floor plan
2508/126/ 02 Upper ground floor plan
2508/126/03 Section
Site Location Map.

Cover letter outlining level of compliance with the above stated regulations

Housing Quality Assessment Schedule

Have any previous extensions/structures been erected at this location YES/NO

If Yes please provide floor areas of all existing structures:

N/A

Signature of Applicant (or Agent)

P. O'Brien (Agent)

NOTES: Application must be accompanied by:

- (a) Fee of €80
- (b) Site location map
- (c) Site layout plan
- (d) Dimensioned plans and elevations of the structure and any existing structures.
- (e) Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building.

Application to be forwarded to:

Limerick City & County Council,
Planning and Environmental Services,
City & County Council Offices,
Dooradoyle Road,
Limerick.

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Ref. No. _____ Date Received _____

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Pat McSweeney

From: [REDACTED]
Sent: Thursday 11 September 2025 12:10
To: Pat McSweeney
Subject: Fw: [EXTERNAL]Receipt details

Receipt as requested

Regards

[REDACTED]
Custom Services Advisor
Limerick City & County Council,
Merchants Quay
Limerick.

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Receipt No.: LA25/25191342

Customer Address:

SATANER
C/O PAT MCSWEENEY
GLEESON MCSWEENEY
99 O'CONNELL STREET
LIMERICK
Customer Details

Code	Ref	Amount	VAT
PL005	PLANNING APPLICA FEE	80.00 EUR	0.00 EUR

Paid with: Credit / Debit Card

Subtotal: 80.00 EUR

Tax (VAT): 0.00 EUR

Total: 80.00 EUR

Tendered: 80.00 EUR

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Land Registry Compliant Map

CENTRE COORDINATES:
ITM 557053,656659

PUBLISHED: 10/08/2022
ORDER NO.: 50284892_1

MAP SERIES: 1:1,000
MAP SHEETS: 4743-02

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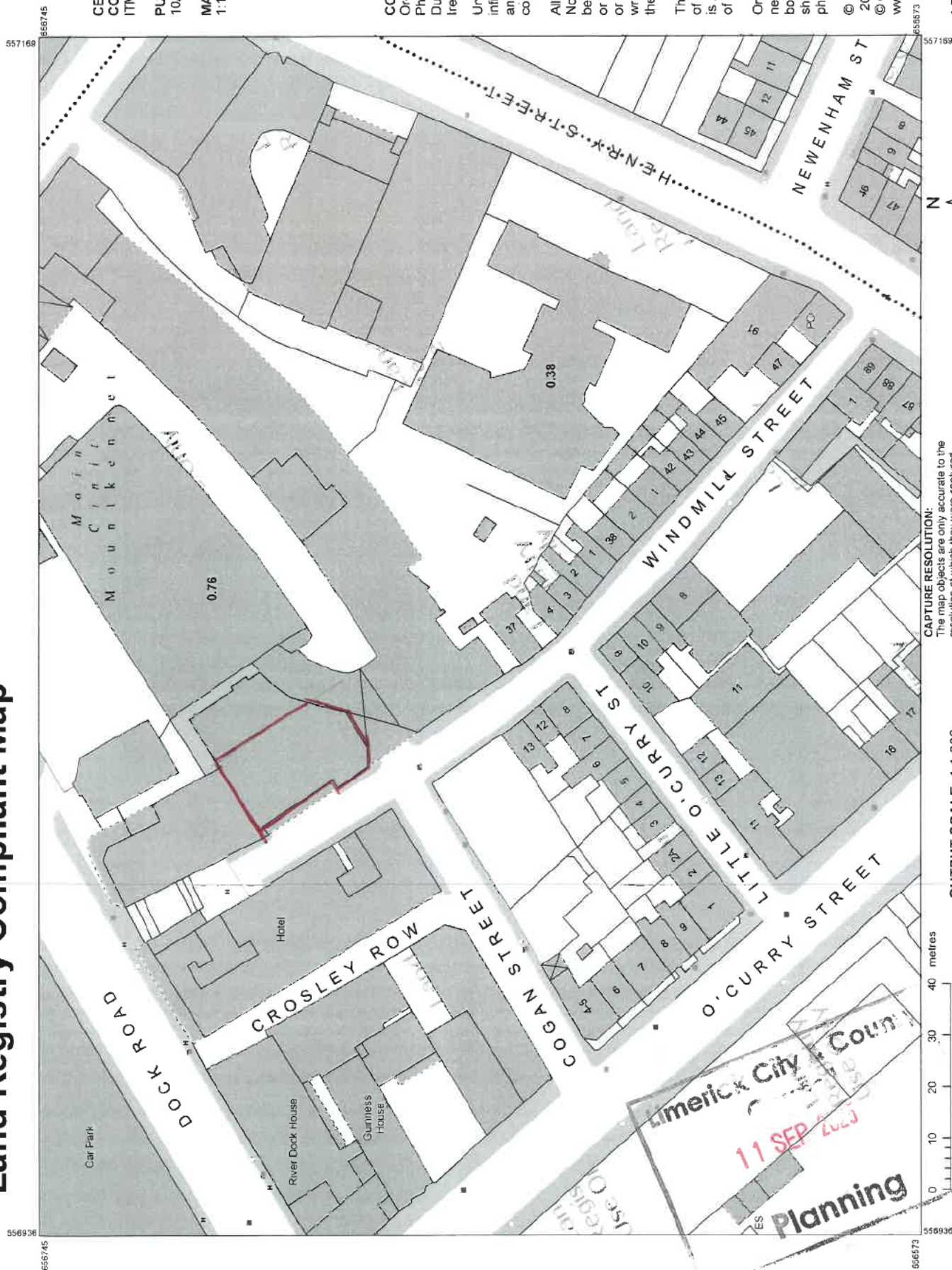
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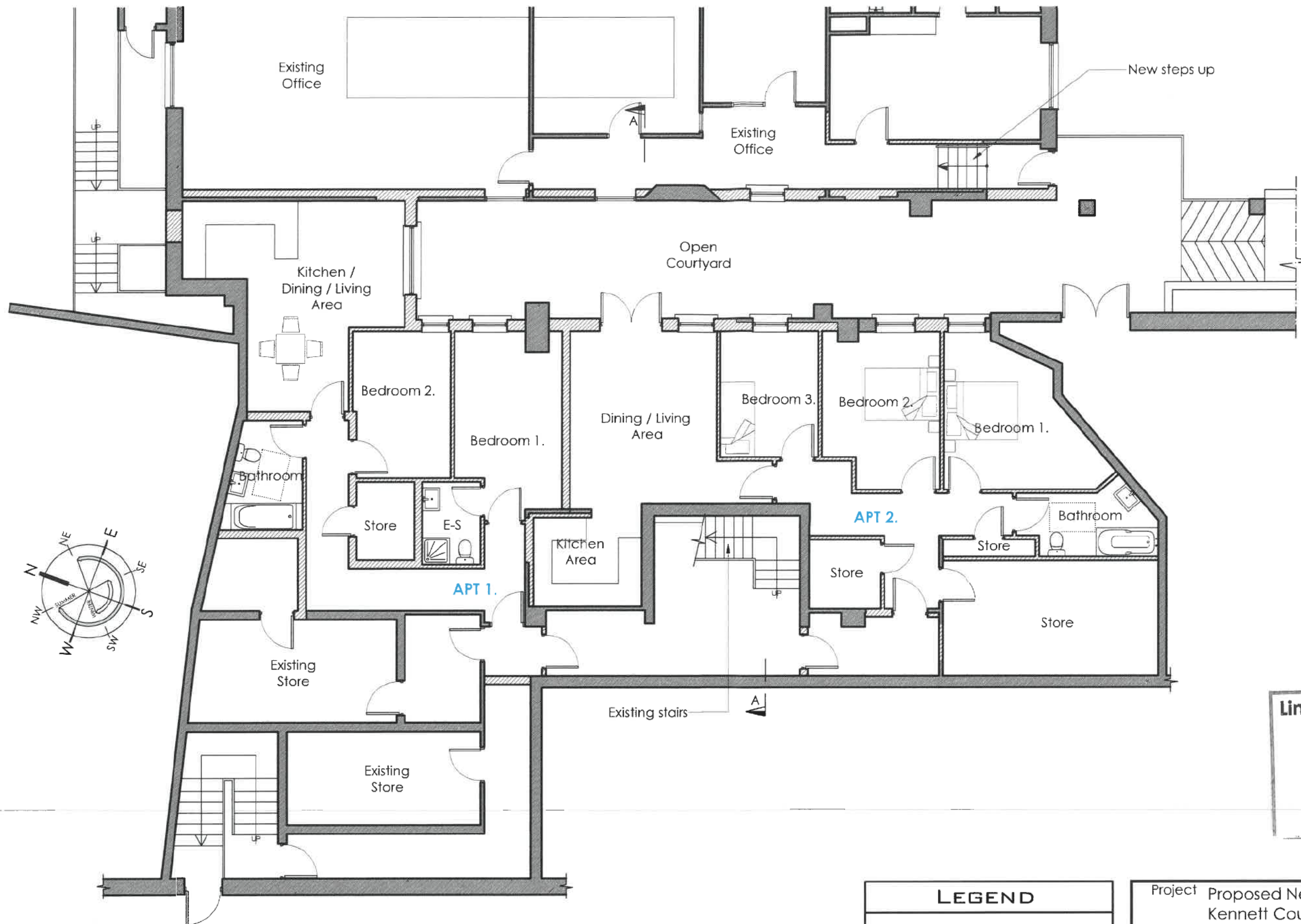
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LEGEND:
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Lower Ground Floor Plan

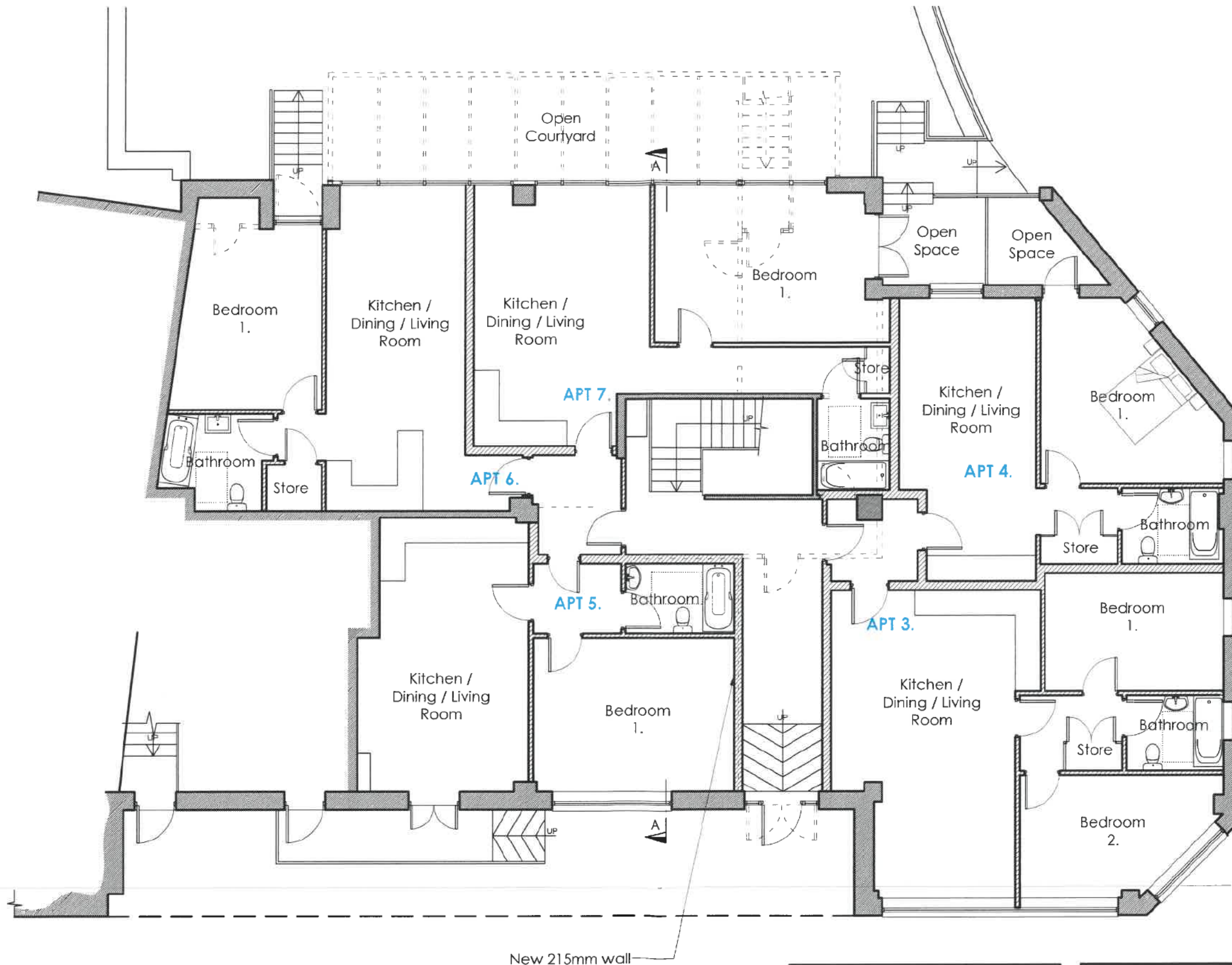
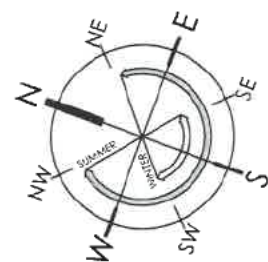
Scale 1:100

Limerick City & County Council
11 SEP 2025
Planning

LEGEND

Existing walls	
To be demolished	
Proposed new walls	
Existing walls to be upgraded to 215mm walls	

Project	Proposed New Apartments at Mount Kennett Court, Windmill Street, Limerick For: Sataner Ltd.	
Title	Lower Ground Floor Plan	
Scale	1:100 @ A3	Date September 2025
Stage	Planning	Drg No. 2508-126-1



Limerick City & County Council
11 SEP 2025
Planning

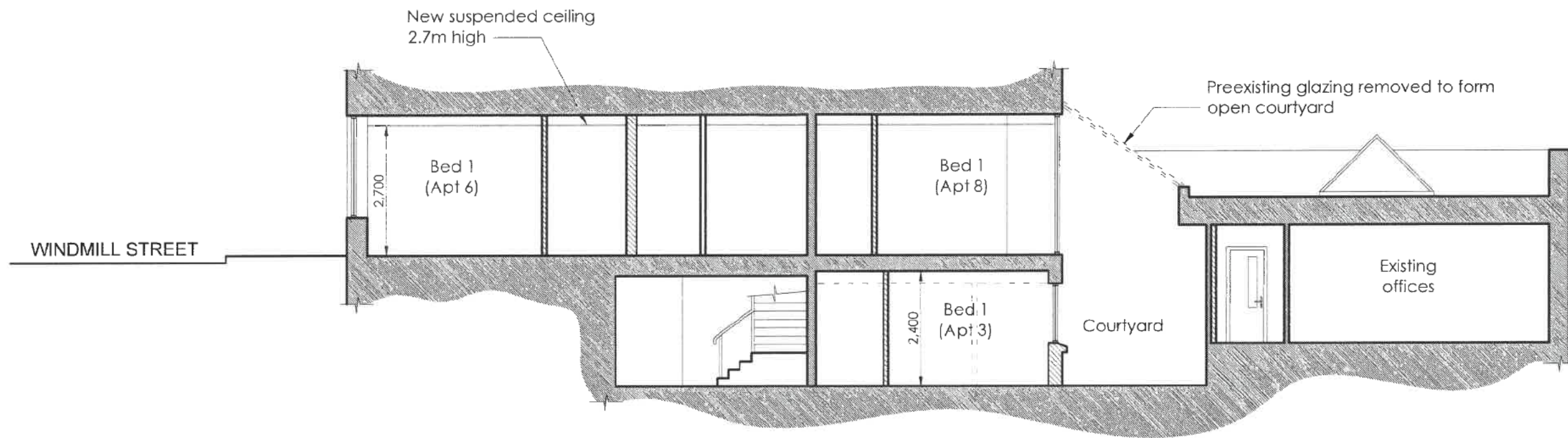
Upper Ground Floor Plan

Scale 1:100

LEGEND

Existing walls	
To be demolished	
Proposed new walls	
Existing walls to be upgraded to 215mm walls	

Project	Proposed New Apartments at Mount Kennett Court, Windmill Street, Limerick For: Sataner Ltd.	
Title	Upper Ground Floor Plan	
Scale	1:100 @ A3	Date September 2025
Stage	Planning	Drg No. 2508-126-2



Section
Scale 1:100

Limerick City & County Council
11 SEP 2025
Planning

LEGEND	
Existing walls	
To be demolished	
Proposed new walls	
Existing walls to be upgraded to 215mm walls	

Project	Proposed New Apartments at Mount Kennett Court, Windmill Street, Limerick For: Sataner Ltd.	
Title	Section A-A	
Scale	1:100 @ A3	Date September 2025
Stage	Planning	Drg No. 2508-126-3

HOUSING QUALITY ASSESSMENT SCHEDULE																							
Floor Location	Apt. No.	Unit Type	Apartment Floor Area		Kitchen/Living/ Dining Floor Area				Bedroom 1 Floor Area				Bedroom 2 Floor Area				Bedroom 3 Floor Area				Storage Area		% of floor area above min. required
			Minimum Sq.m	Provided Sq.m	Min. Area	Provided	Min width	Width Provided	Min. Area	Provided	Min. Width	Width Provided	Min. Area	Provided	Min. Width	Width Provided	Min. Area	Provided	Min width	Width Provided	Min. Area	Provided	
Lower Ground floor	1	2 Bedroom	63	72.5	N/A	22.7	3.6	4.5 (avg.)	11.4	12.6	2.8	2.8	7.1	9.5	2.1	2.4	-	-	-	-	5.0	*3.0 Bed 1&2 3.4sq.m above min	15.1%
Lower Ground floor	2	3 Bedroom	76	100.4	N/A	25.8	3.8	3.8	11.4	13.0	2.8	2.9	7.1	11.7	2.1	3.1	7.1	8.4	2.1	2.7	9.0	17.36	32%
Upper Ground floor	3	2 Bedroom	63	65.3	N/A	31	3.6	4.4	11.4	11.9	2.8	2.8	7.1	12.1	2.1	2.9	-	-	-	-	5.0	*0.78 Bed 1,2 & LR 4.8 sq.m above min	3.6%
Upper Ground floor	4	1 Bedroom	45	45	N/A	20.5	3.3	3.3	11.4	15.6	2.8	4.3	-	-	-	-	-	-	-	-	3.0	*1.08 Bed 1 4.2sq.m above min	0%
Upper Ground floor	5	1 Bedroom	45	51.5	N/A	25	3.3	4.1	11.4	17.5	2.8	3.7	-	-	-	-	-	-	-	-	3.0	*0 Bed 1 6.1sq.m above min	14.4%
Upper Ground floor	6	1 Bedroom	45	51.8	N/A	27.3	3.3	3.3	11.4	15.5	2.8	3.3	-	-	-	-	-	-	-	-	3.0	*1.3 Bed 1 4.1sq.m above min	15.1%
Upper Ground floor	7	1 Bedroom	45	55.3	N/A	24.8	3.3	4.2	11.4	19.3	2.8	3.7	-	-	-	-	-	-	-	-	3.0	*0.72 Bed 1 7.9sq.m above min	22.9%

* Denotes where storage has been provided by, over and above living room and bedroom areas.

Limerick City & County Council
11 SEP 2025
Planning

Limerick City & County Council
Planning & Development Section,
County Hall,
Dooradoyle,
Limerick



Our Ref: 2508/126

11th September 2025

Section 5 Application for the change of use and subdivision of the existing unoccupied lower ground and upper ground floor office units to seven apartments at Mount Kennett Court, Windmill St. Limerick.

Dear Sirs,

We wish to apply on behalf of our client Sataner Ltd. for a Section 5 Declaration for the works as proposed to the lower and upper ground floor of the above property. We enclose the following in support of our application.

1. Completed Section 5 application form.
2. Copy of receipt of the application fee of €80 which has been paid to the cash office receipt no LA25/0/25191342.
3. The following drawings:
 - 2508/126/ 01 Lower Ground floor plan
 - 2508/126/ 02 Upper ground floor plan
 - 2508/126/03 Section
 - Site Location Map.
4. Housing quality assessment schedule.

We would be of the view that this development as proposed complies with the exemption requirements to obtain planning permission in respect of the change of use of certain vacant commercial premises, including vacant areas above ground floor premises, to residential use as stipulated in the Planning and Development Act (Exempted Development) Regulations 2022 (S.I. 75 of 2022) in that;

- This existing commercial unit has been vacant for at least 2 years .
- The works proposed are mainly to the interior of the building with any external alteration limited to alterations to the existing windows to provide ventilation.
- The proposed works to the ground floor of the structure does not conflict with an objective in the development plan for the structure to remain in commercial use.
- Only seven residential units are proposed which is less than the maximum of nine units permitted.
- The minimum requirements in relation to overall floor areas, storage space requirements and the need for adequate natural light in living rooms and bedrooms as set out in the *Sustainable Urban Housing: Design Standards for New Apartments* have been complied with (see attached schedule)
- The building is not a protected structure.

- On-site wastewater treatment and disposal systems will be to the public mains.
- The site is not in an area of special planning control, areas to which special amenity area orders relate or within certain proximity distances of establishments to which the major accident regulations apply.
- There are no requirements for issues such as bats and nesting birds which are protected by EU legislation.
- The development does not contravene a condition attached to a prior planning permission obtained.

I trust that the above and enclosed are acceptable to you or should you have any queries in relation to the same please contact the undersigned in the meantime we await hearing from you thereon.

Yours faithfully



Pat McSweeney

MRIAI, MSc Building Conservation, MSCSI

Registered Architect, RIAI Grade 2 Conservation Architect and Registered Building Surveyor

pat@gleesonmcsweeney.ie

CC Peter Madden



Report on application under Section 5 of the Planning and Development Act 2000 (as amended)

Reference no. EC/191/25

Name and Address of Applicant: Sataner Ltd
Mount Kennett Place
Dock Road
Limerick
V94 C1P8

Agent: Gleeson McSweeney Architects
99 O'Connell Street
Limerick
V94 P8CY

Location: Lower & Upper Ground Floor Office Unit
Mount Kennett Court
Windmill Street
Limerick
V94 C1P8

Description of Site and Surroundings:

The subject site is located at Mount Kennett Court, Windmill Street Limerick and which is occupied by a 5 storey apartment block which runs through the block from Windmill Street to Mount Kennett Place and also fronts onto the Dock Road. A Car Park is located within the central courtyard of the building. Units on the ground floor of the entire building consist of take aways and office facilities.

Zoning:

City Centre

Proposal:

This is an application requesting a Section 5 Declaration on whether the following works are or are not development or are or not exempted development:

- Change of use and subdivision of the existing unoccupied lower ground and upper ground floor office units to seven apartments.

This Section 5 declaration includes the following:

- Cover Letter from agent
- Site location map
- Floor Plans
- Section drawing
- Housing quality assessment schedule.
-

Planning History:

97/770192: Glenlara Ltd granted conditional permission for 266sqm of commercial space for 55 apartments being phase 4 of the Windmill Street Development with vehicular access off Windmill Street to multi-storey car park (planning ref. P97/770089).

97/770089: Pat Hegarty granted conditional permission for a multi-storey car park with spaces provided in a split level arrangement over eight levels with service lifts, stairs and access from both Mount Kennett Place and Windmill Street and exit only onto Mount Kennett Place.

Enforcement History

None

An Bord Pleanála Case files

None

Assessment

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

Is the proposal development?

Section 2(1) in this Act, except where otherwise requires –

‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

‘structure’ as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, and –

(a) Where the context so admits, includes the land on, in or under which the structure is situated.

Section 3(1) defines ‘development’ as ‘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’.

The proposed development on site, comprises a material change of use and thus constitutes ‘works’ and ‘development’ which is defined under Section 3(1) of the Planning and Development Act, 2000 as amended (the Act), as the carrying out ABP-315056-22 Inspector’s Report Page 9 of 13 of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land.

Is the proposal exempted development?

Article 10(6)(a) of the Planning and Development Regulations 2001 – 2023 provides an exempted development provision for ‘a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2.’ Of relevance to this referral, Class 3 of Part 4, Schedule 2 relates to use as an office. It is not clear from site visit or a planning history search that the ground floor was ever used as office space. The applicant has also failed to submit documentary evidence of same or that the office has been vacant for 2 years.

Restrictions on exempted development

Article 10(6)(d)(i-xii) contains conditions and limitations pertaining to the exemption and are set out in Section 7.2.1 of my report. The following statements by the applicant regarding these conditions and limitations are noted:

- Criterion (i): The applicant has not stated whether the works have commenced or completed during the relevant period
- Criterion (ii): The development primarily affects the interior of the structure, more than 50% of the external fabric is retained and proposed changes are limited to the alterations to the existing windows to provide ventilation. Elevation drawings have not been submitted showing existing and proposed.
- Criterion (iii): There is no change to the streetscape with the only alterations to some existing windows to provide ventilation as indicated in the cover letter, however no elevation drawings have been submitted confirming same.
- Criterion (iv): There is no conflict between the proposal and the Limerick Development Plan.
- Criterion (v): There will be a total number of 7 apartments in the building.
- Criterion (vi): The applicant has submitted a schedule of accommodation which indicates that the proposed apartments meet the minimum floor area and storage space requirements as set out in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2025. However, I note that the drawings submitted do not include measurements.

- Criterion (vii): All habitable rooms have access to adequate natural lighting from the rear courtyard.
- Criterion (viii): The structure is not a protected structure.
- Criterion (ix): The development does not contravene a condition attached to a grant of permission.
- Criterion (x): The development is not located within a special amenity area or an area of special planning control and is not affected by the Major Accidents Directive.

I would consider that the application is lacking in detail in order for the Planning Authority to carry out an appropriate assessment. The applicant has failed to submit the following details:

- Documentary evidence that the offices have been vacant for 2 years
- Elevation drawings of existing units and proposed works
- The applicant has not confirmed that the works will be carried out or have been carried out in the relevant period
- The floor plans should include measurements of each room

Article 9 Restrictions

The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended).

Appropriate Assessment

An AA Screening examination was carried out by Limerick City & County Council (see appendix 1). Overall it is considered that the development as proposed should not exercise a significant effect on the conservation status of any SAC or SPA as there are no source-pathway-receptors and the site does not directly encroach on any Natura 2000 European Sites. Therefore, an Appropriate Assessment is not required in this instance.

Environmental Impact Assessment

An EIA Screening examination was carried out by Limerick City & County Council (see appendix 2). Overall, it is considered that there is no real likelihood of significant effects on the environment. Therefore, an Environmental Impact Assessment is not required.

Conclusion/Recommendation

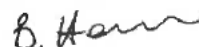
It is therefore considered that the following details are required in order for the Planning Authority to appropriately assess this S5 Application:

- (a) Documentary evidence that the offices have been vacant for 2 years
- (b) Elevation drawings of existing units and proposed works
- (c) The applicant has not confirmed that the works will be carried out or have been carried out in the relevant period
- (d) The floor plans should include measurements of each room



Aine Leland, Executive Planner

Date: 02/10/2025



Barry Henn, A/SP

Date: 02/10/2025

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC/191-25
(b) Brief description of the project or plan:	Section 5 Declaration on whether the change of use from offices to residential is or is not exempted development.
(c) Brief description of site characteristics:	The subject site is located at Mount Kennett Court, Windmill Street and is occupied by a 5 storey mixed building with commercial on ground floor and apartments and car park at upper floors
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
(e) Response to consultation:	N/A

STEP 2: Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
002165 - Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	150m	None	N
004077 - River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	150m	None	N

STEP 3: Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/Magnitude etc)
Construction phase e.g <ul style="list-style-type: none">- Vegetation clearance- Demolition- Surface water runoff from soil excavation/infill/landscaping (including borrow pits)	None. The offices to be converted are already in place. Given the minor nature of the works proposed, it is not considered that the conversion works would impact on the objectives of the European Sites outlined above

<ul style="list-style-type: none"> - Dust, noise, vibration - Lighting disturbance - Impact on groundwater/dewatering - Storage of excavated/construction materials - Access to site - Pests 	
Operation phase e.g. <ul style="list-style-type: none"> - Direct emission to air and water - Surface water runoff containing contaminant or sediment - Lighting disturbance - Noise/vibration - Changes to water/groundwater due to drainage or abstraction - Presence of people, vehicles and activities - Physical presence of structures (e.g collision risk) - Potential for accidents or incidents 	None. The proposed works are mainly associated with the interior and would not result in additional disturbances outside of that which currently exists. Operational phase will not have an effect on objectives of the European Sites.
In-combination/Other	N/A given the development proposed and the distance from European sites.

(b) Describe any likely changes to the European site:	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> - Reduction or fragmentation of habitat area - Disturbance to QI species - Habitat or species fragmentation - Reduction or fragmentation in species density - Changes in key indicators of conservation status value (water or air quality etc) - Changes to areas of sensitivity or threats to QI - Interference with the key relationships that define the structure or ecological function of the site 	None. No direct encroachment or hydrological connection.

(c) (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)	
<input type="checkbox"/>	Yes
<input checked="" type="checkbox"/>	No

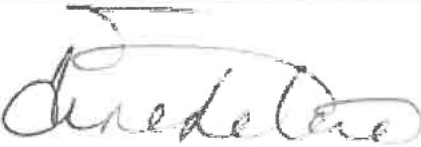

STEP 4: Screening Determination Statement
The assessment of significance of effects: Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives

On the basis of the information submitted, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

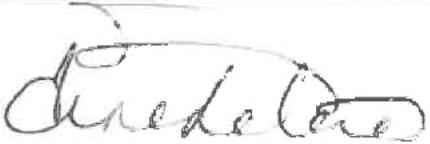
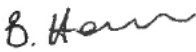
it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

Conclusion: An appropriate assessment is not required.

	Tick as appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European Site	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European Site	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	 Áine Leland, Executive Planner 02/10/2025	
Signature and Date of the Decision Maker:	 Barry Henn, A/SP 02/10/2025	

Appendix 2 – EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC/191-25
Development Summary:	Section 5 Declaration on whether the change of use of offices to apartments is or is not exempted development.
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes. no further action required <input checked="" type="checkbox"/> No. Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes. specify class: [insert here]____ _	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No. the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _[specify class & threshold here]_	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : [insert here]____ _	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant <input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Screening Determination required Preliminary Examination required
Signature and Date of Recommending Officer:	

	 Áine Leland, Executive Planner 02/10/2025
Signature and Date of the Decision Maker:	 Barry Henn, A/SP 02/10/2025



Comhairle Cathrach
& Contae Luimnigh
Limerick City
& County Council

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
Bothar Thuar an Daill
Tuar an Daill, Luimneach
V94 WV78

Planning and Place-Making
Limerick City and County Council
Dooradoyle Road
Dooradoyle, Limerick
V94 WV78

PLANNING & PLACE-MAKING

REG POST:

**Sataner Ltd,
c/o Gleeson McSweeney Architects
99 O'Connell Street
Limerick
V94 P8CY**

EC/191/25

02 October 2025

RE: Declaration under Section 5

Dear Sir/Madam,

I refer to the above Section 5 Application you are hereby requested to submit the following further information:

- (a) Documentary evidence that the offices have been vacant for 2 years
- (b) Elevation drawings of existing units and proposed works
- (c) The applicant has not confirmed that the works will be carried out or have been carried out in the relevant period
- (d) The floor plans should include measurements of each room

Drawings must be of an adequate standard to enable the Planning Authority to assess any application lodged; you may wish to engage the services of a suitably qualified agent in this regard.

Your application will not be further processed until confirmation of the above is received. A complete response should be submitted.

I hereby give you notice that the statutory period of three weeks during which the Planning Authority is required to give a decision will date from the receipt of a satisfactory response to the notice seeking further information.

Please quote your planning reference number on all correspondence EC/191/25.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. Doyle', is written over a horizontal line.

**(for) Senior Planner,
Development Management**

Report on application under Section 5 of the Planning and Development Act 2000 (as amended)

Reference no. EC/191/25

Name and Address of Applicant: Sataner Ltd
Mount Kennett Place
Dock Road
Limerick
V94 C1P8

Agent: Gleeson McSweeney Architects
99 O'Connell Street
Limerick
V94 P8CY

Location: Lower & Upper Ground Floor Office Unit
Mount Kennett Court
Windmill Street
Limerick
V94 C1P8

Description of Site and Surroundings:

The subject site is located at Mount Kennett Court, Windmill Street Limerick and which is occupied by a 5 storey apartment block which runs through the block from Windmill Street to Mount Kennett Place and also fronts onto the Dock Road. A Car Park is located within the central courtyard of the building. Units on the ground floor of the entire building consist of take aways and office facilities.

Zoning:

City Centre

Proposal:

This is an application requesting a Section 5 Declaration on whether the following works are or are not development or are or not exempted development:

- Change of use and subdivision of the existing unoccupied lower ground and upper ground floor office units to seven apartments.

This Section 5 declaration includes the following:

- Cover Letter from agent
- Site location map
- Floor Plans
- Section drawing
- Housing quality assessment schedule.
-

Planning History:

98/770493: Sataner Ltd granted conditional permission for change of use and consequential elevation changes from previously granted commercial/apartments (reg. 98/64) to leisure complex to include single storey extension, site works and car parking located in adjacent multi-storey car park (97/85). From a google search it appears that the unit was previously used by MK Fitness. Correspondence on file regarding unauthorised signage associated with same.

98/770064: Sataner Ltd granted conditional permission for 4 additional apartments integrated into their existing permission (97/90).

97/770192: Glenlara Ltd granted conditional permission for 266sqm of commercial space for 55 apartments being phase 4 of the Windmill Street Development with vehicular access off Windmill Street to multi-storey car park (planning ref. P97/770089).

97/770090: Sataner Ltd granted conditional permission for 31 apartments and 1 commercial unit with vehicular access off Windmill Street, car parking, site development works with access to multi-storey car park and exist onto Mount Kennett Place.

97/770089: Pat Hegarty granted conditional permission for a multi-storey car park with spaces provided in a split level arrangement over eight levels with service lifts, stairs and access from both Mount Kennett Place and Windmill Street and exit only onto Mount Kennett Place.

97/770085: Lochside Properties Ltd granted conditional permission for alterations and revisions to 96/293 incorporating change of location of a entrance to site, extension of commercial space, re-arrangement of internal layout incorporating extra apartments at mezzanine level while maintain the overall total of 104 apartments with consequential minor alterations to elevation and car parking layout with further associated car parking in adjacent multi-storey for 114 no. of cars.

Enforcement History

None

An Bord Pleanála Case files

None

Assessment

On the 2nd October the applicant was requested to submit the following further information:

- (a) Documentary evidence that the offices have been vacant for 2 years
- (b) Elevation drawings of existing units and proposed works
- (c) The applicant has not confirmed that the works will be carried out or have been carried out in the relevant period
- (d) The floor plans should include measurements of each room

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

Is the proposal development?

Section 2(1) in this Act, except where otherwise requires –

‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

‘structure’ as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, and –

- (a) Where the context so admits, includes the land on, in or under which the structure is situated.

Section 3(1) defines ‘development’ as ‘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’.

The proposed development on site, comprises a material change of use and thus constitutes ‘works’ and ‘development’ which is defined under Section 3(1) of the Planning and Development Act, 2000 as amended (the Act), as the carrying out ABP-315056-22 Inspector’s Report Page 9 of 13 of any works

in, on, over or under land, or the making of any material change in the use of any land or structures situated on land.

Is the proposal exempted development?

Article 10(6)(a) of the Planning and Development Regulations 2001 – 2023 provides an exempted development provision for 'a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2.' Of relevance to this referral, Class 3 of Part 4, Schedule 2 relates to use as an office. On review of the planning history of the site and particularly planning ref: 98/770493 the unit has permission for conversion from commercial use to a leisure complex. From the letter submitted in response to the further information request, Aviary Estates Ltd confirms that the **gym** unit has been vacant for more than 5 years. I would therefore consider that the use was formerly a gym and not offices. A gym falls under Class 11(e) of Part 4, Schedule 2 of the Planning and Development Regulations and therefore not within Class 1, 2, 3, 6 or 12 which Article 10(6)(a) relates. Therefore it is considered that the proposal does not comply with same.

Restrictions on exempted development

Article 10(6)(d)(i-xii) contains conditions and limitations pertaining to the exemption and are set out below. The following statements by the applicant regarding these conditions and limitations are noted:

- Criterion (i): The applicant has stated that the offices have been vacant for 2 years. Letter submitted from Aviary Estates Ltd confirming that they manage the former gym premises and that same has been vacant for more than 5 years.
- Criterion (ii): The development primarily affects the interior of the structure, more than 50% of the external fabric is retained and proposed changes are limited to the alterations to the existing windows to provide ventilation. Existing elevation drawings and proposed floor plans have been submitted which indicate that no changes to front elevation are to occur.
- Criterion (iii): There is no change to the streetscape with the only alterations to some existing windows to provide ventilation as indicated in the cover letter.
- Criterion (iv): There is no conflict between the proposal and the Limerick Development Plan.
- Criterion (v): There will be a total number of 7 apartments at lower ground and upper ground floor of the building.
- Criterion (vi): The applicant has submitted a schedule of accommodation which indicates that the proposed apartments meet the minimum floor area and storage space requirements as set out in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2025. The applicant has also updated the drawings to indicate measurements as was requested. It is noted that apartment 5 has no storage area indicated. However, the bedroom is 6.1sqm larger than the 11.4sqm requirement therefore it is considered that storage can be incorporated into the bedroom.
- Criterion (vii): All habitable rooms have access to adequate natural lighting from the rear courtyard and from the front of the building.
- Criterion (viii): The structure is not a protected structure.
- Criterion (ix): The development does not contravene a condition attached to a grant of permission.
- Criterion (x): The development is not located within a special amenity area or an area of special planning control and is not affected by the Major Accidents Directive.

The Article 10 6 (a) exemption relates to existing buildings that have a current use and which fall under Class 1, 2, 3, 6 and 12 of Part 4 of Schedule 2 of the Regulations. The existing use is that of a gymnasium which falls under Class 11. I am therefore not satisfied that the proposed works as detailed on the application and plans submitted on the 11th September 2025 and the further information submitted on the 10th October 2025 comes within the scope of Article 10(6)(a) of the Planning and Development Regulations 2001 (as amended). As such the works are considered development and not exempted development.

Class 14

Class 14 of Part 1 of Schedule 2 of the Planning and Development Regulations refers to development consisting of a change of use. A gymnasium does not fall within any of the categories listed such as from use for the sale of food for consumption on the premises to use for the sale of food for consumption off the premises, from the use of a pub to the use as a shop, from the use of a funeral home, amusement arcade or restaurant to use as a shop etc.

Article 9 Restrictions

The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended).

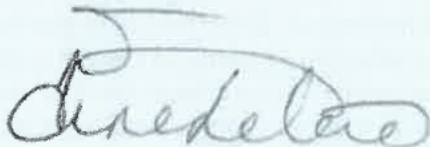
Conclusion/Recommendation

The change of use from gym to residential accommodation as detailed on the application and plans submitted is not considered to be within the scope of Class 14 of Part 1 of Schedule 2 of the Planning and Development Regulations 2000 (as amended). Furthermore, the proposal is not considered to come within the scope of Article 10(6)(a) of the Planning and Development Regulations 2001 (as amended).

Regard has been had to:

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 14 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) Article 10(6)(a) of the Planning and Development Regulations 2001 (as amended)
- (e) The plans and particulars submitted with the application on the 11th September 2025 and the 10th October 2025.

It is therefore considered that the said works do not come within the scope of Article 10(6)(a) of the Planning and Development Regulations 2001 (as amended) and that said works are development and not exempted development under Class 14 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001.



Áine Leland, Executive Planner

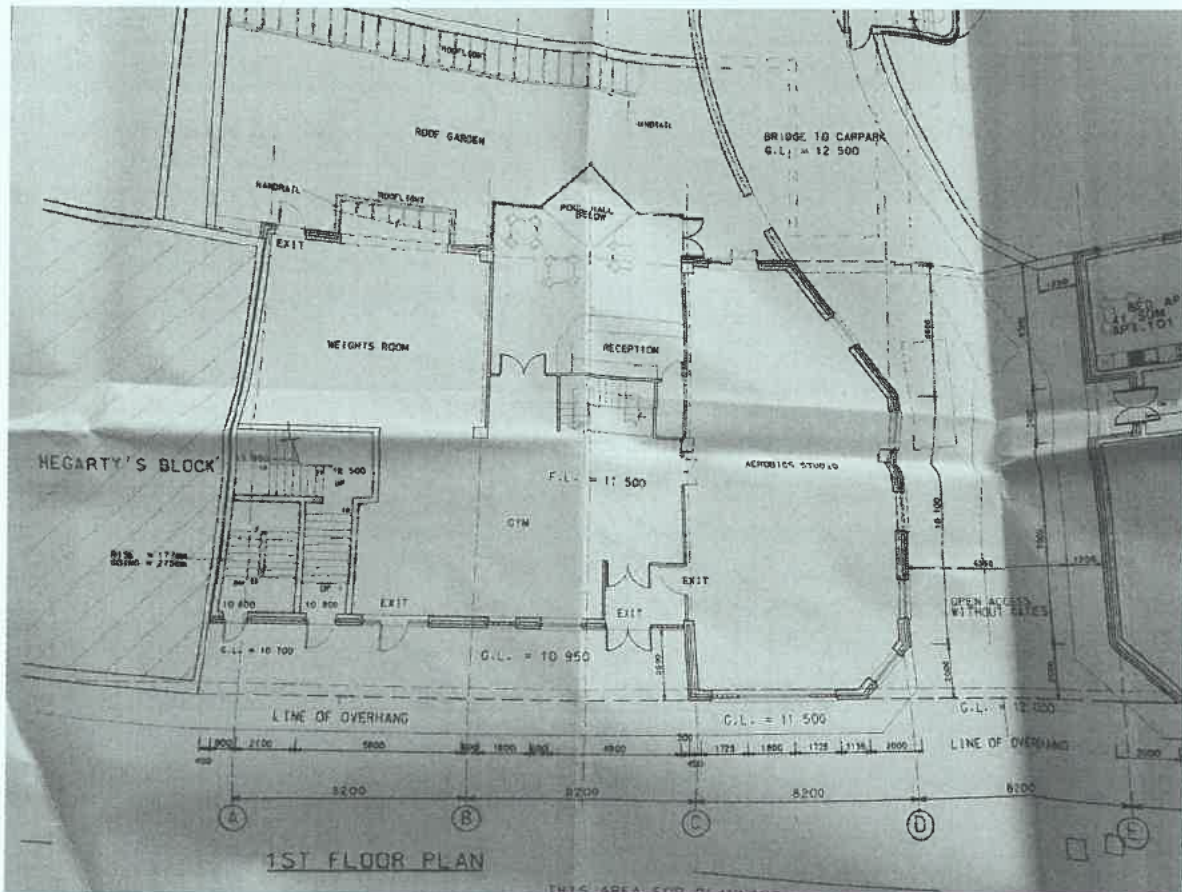
Date: 20/10/2025



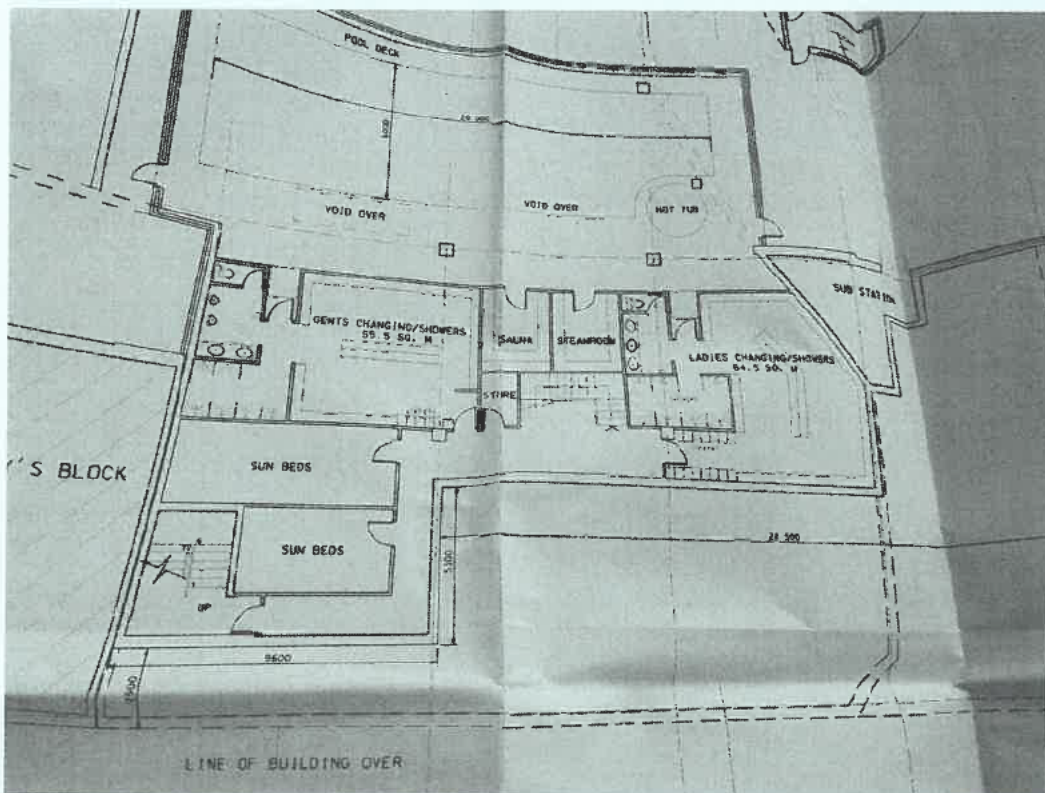
Gráinne O'Keeffe, Senior Executive Planner

Date: 20/10/2025

Appendix 1 – Floor Plans associated with Planning Permission 98/770493



Ground Floor



Lower Ground Floor



Comhairle Cathrach
& Contae **Luimnigh**
Limerick City
& County Council

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
Bothar Thuair an Daill
Tuar an Daill, Luimneach
V94 WV78

Planning and Place-Making
Limerick City and County Council
Dooradoyle Road
Dooradoyle, Limerick
V94 WV78

PLANNING & PLACE-MAKING

REG POST:

Sataner Ltd,
c/o Gleeson McSweeney Architects
99 O'Connell Street
Limerick

EC/191/25

29 October 2025

Re: Declaration under Section 5

Dear Sir/Madam,

I refer to the above application for Section 5 Declaration on Development and Exempted Development.

Please find herewith a copy of Council's decision on same.

Yours faithfully,


(for) Senior Planner,
Development Management

Tuar an Daill, Luimneach
Dooradoyle, Limerick

customerservices@limerick.ie
www.limerick.ie
@LimerickCouncil
061 - 556 000

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2025/1196

File Ref No. EC/191/25

SUBJECT: Declaration under Section 5.
Planning and Development Act 2000 as amended
Planning and Development Regulations 2001 as amended

RE: **A change of use & subdivision at Lower & Upper Ground Floor Office Unit,
Mount Kennett Court, Windmill Street, Limerick**

ORDER: Whereas by Director General's Order No. DG/2024/141 dated 07th October 2025, Dr. Pat Daly, Director General, Limerick City & County Council did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, (as amended by the Local Government Reform Act, 2014 and the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act, 2024), delegate unto Grainne O'Keeffe, Senior Executive Planner the functions as defined in the Local Government Acts, 1925 to 2024.

d Now therefore pursuant to the delegation of the functions aforesaid, I, Grainne O'Keeffe, Senior Executive Planner, having considered the report and recommendation of Áine Leland, Executive Planner dated 20/10/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Sataner Ltd, c/o Gleeson McSweeney Architects, 99 O'Connell Street, Limerick to state that the works as described above is

Development and is NOT Exempt Development.

Signed



SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

29/10/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/1196 dated 29/10/25, pursuant to Section 151(7) of the Local Government Act 2001

Signed:



SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



Comhairle Cathrach
& Contae Luimnigh
**Limerick City
& County Council**

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
Bothar Thuar an Daill
Tuair an Daill, Luimneach
V94 WV78

Planning and Place-Making
Limerick City and County Council
Dooradoyle Road
Dooradoyle, Limerick
V94 WV78

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/191/25

Name and Address of Applicant: Sataner Ltd, Mount Kennett Place, Dock Road, Limerick

Agent: Gleeson McSweeney Architects, 99 O'Connell Street, Limerick

Whether the change of use & subdivision at Lower & Upper Ground Floor Office Unit, Mount Kennett Court, Windmill Street, Limerick is or is not Development or is or is not Exempted Development. The works as described on the plans submitted with the application on the 11th of September 2025 and further information on the 10st of October 2025.

AND WHEREAS the Planning Authority has concluded that change of use & subdivision at Lower & Upper Ground Floor Office Unit, Mount Kennett Court, Windmill Street, Limerick **DOES NOT** come within the scope of exempted development, it is therefore considered that the said works do not come within the scope of Article 10(6)(a) of the Planning and Development Regulations 2001 (as amended) and that said works are development and not exempted development under Class 14 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001. See Report attached.

NOW THEREFORE the Planning Authority 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 said development as described above is **Development and is NOT Exempt Development.**

Signed on behalf of the said Council C. Kelly

Date: 29.10.2025

NOTE: A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Coimisiún Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.