



## LIMERICK CITY & COUNTY COUNCIL

### PLANNING AND ENVIRONMENTAL SERVICES

#### SECTION 5 APPLICATION

#### **DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

Applicant's Name: David McPhilips

Applicant's Address: 7 Ringwood Centre, Damastown Close

Damastown Industrial Park

Dublin 15 CH5 RXH

Telephone No. [REDACTED]

Name of Agent (if any): Anthony O'Halloran

Address: Carr Associates Architects

Unit 3, Chapel Close, Cathedral Place

Limerick City V94 Y39C

Telephone No. 061-462018

Address for Correspondence:

Anthony O'Halloran

Carr Associates Architects

Unit 3, Chapel Close, Cathedral Place

Limerick City  
V94 Y39C

Location of Proposed development:

31/32 Upper William St, Limerick City V94 RY28

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Description of Proposed development:

Proposed change of use from Educational Use to use as a Community Based Intervention / Counselling Service with ancillary child care service to support Mothers, which would fall under Class 2 (c) of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

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Is this a Protected Structure or within the curtilage of a Protected Structure.

YES  NO

Applicant's interest in site: Proposed Tenant

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

Cover Letter

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OSI Map

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Plans Sections and Elevation Drawing 20.26.201

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Site Layout Plan Drawing 20.26.200

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

If Yes please provide floor areas of all existing structures:

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Signature of Applicant (or Agent)



**NOTES:** Application must be accompanied by:

- (a) Fee of €80 RECEIPT NO: 25194057
- (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.

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Application to be forwarded to:

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

\*\*\*\*\*

**OFFICE USE ONLY**

Ref. No. \_\_\_\_\_ Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_ Date Due \_\_\_\_\_

\*\*\*\*\*

# Carr Associates Architects Ltd.

Unit 3 Chapel Court • Cathedral Place • Limerick • Eire • V94 P903 • Tel 061 462018 • Vat No 9582442M

Email: [reception@carrarchitects.ie](mailto:reception@carrarchitects.ie)

Date  
**03.12.25**

Your Ref

Our Ref  
**20.26**

Limerick City and County Council,  
Planning Department  
County Hall,  
Dooradoyle Rd,  
Dooradoyle,  
Co. Limerick.

## Re 31/32 Upper William Street Limerick.

Dear Sir/Madam

Please find enclosed a Section 5 Application – Declaration on Development and Exempted Development with regard to the 31/32 Upper William Street Limerick.

Coolmine Community and Residential Services with an address at 7 Ringwood Centre, Damestown Close, Damestown Industrial Park Dublin 15, currently provide a community based intervention / counselling service for mothers and children with ancillary child care services to support mothers at Third Floor, Mahon House, Newtown Mahon, Upper William Street Limerick. Coolmine Community and Residential Services lease on the Third Floor Mahon house has expired and they need to move to a new premises. They have identified 31/32 Upper William Street Limerick as a suitable premises to continue providing a community based intervention / counselling service with scope to expand this service.

We submit a Section 5 Application – Declaration on Development and Exempted Development to confirm that the proposed change of use from Educational Use at 31/32 Upper William Street Limerick to Class 2 (c) Use, under Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) is Exempted Development.

As the building was previously used as office space, this application involves no external works, nor any alterations to elevations. A planning permission (ref no: 08770312) was approved in 2008, granting the change of use from office to educational use for the purpose of delivering third level educational and training programmes. However, the occupier Griffith College vacated the premises in 2013 and following this, the premises has been used as office space for professional services/insurance providers. Currently, the building is not occupied. We kindly ask that you take the previous building uses into consideration when making your decision.

Should you have any further queries regarding the above please do not hesitate in contacting the undersigned.

Yours sincerely,



Anthony O'Halloran  
Carr Associates Architects

CC. David Mc Phillips      Coolmine Community and Residential Services

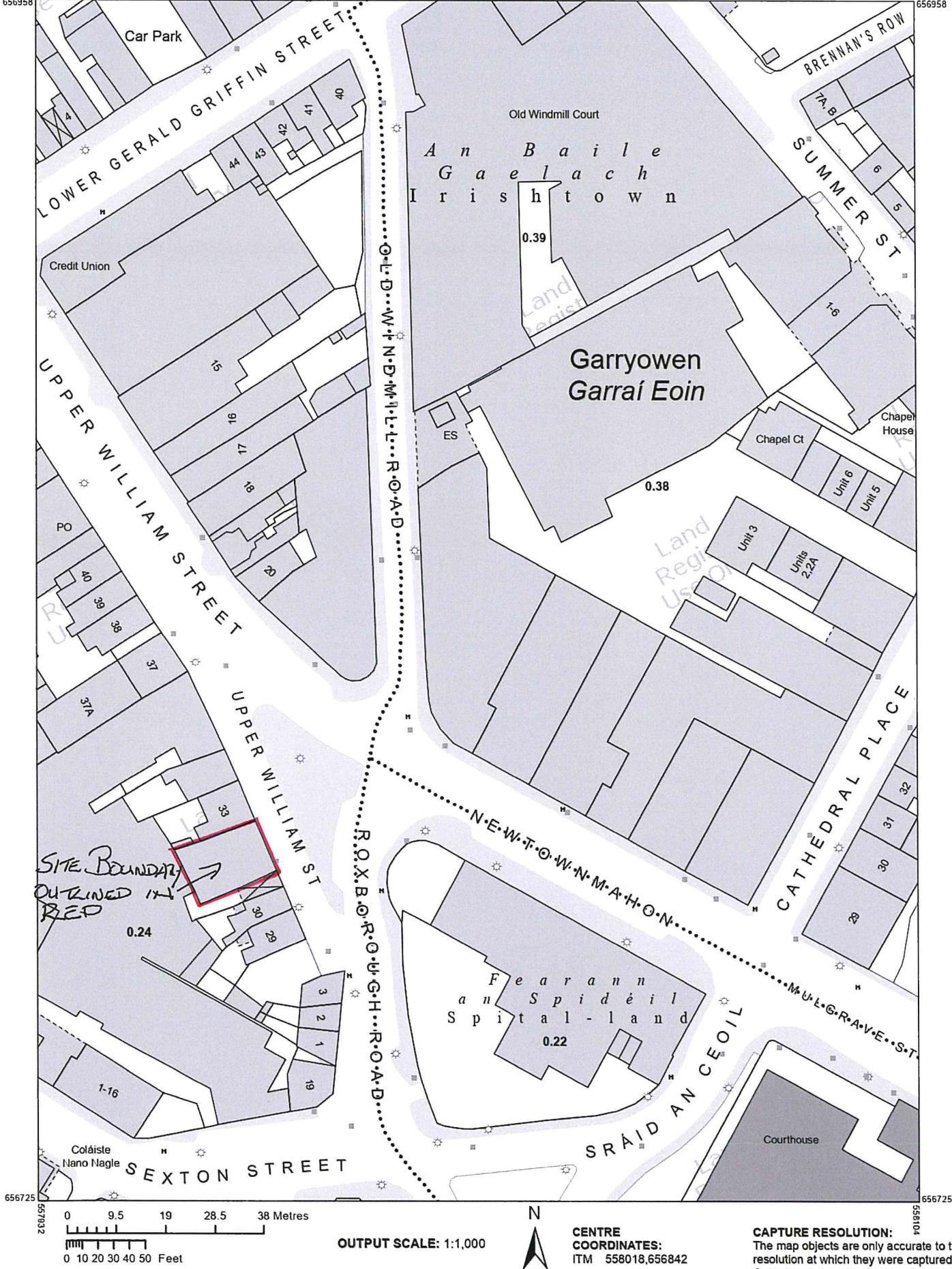


## Land Registry Compliant Map

656958

558104

656958



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**CENTRE  
COORDINATES:  
ITM 558018,656842**

**PUBLISHED:** 04/12/2020 **ORDER NO:** 50159820\_1  
**MAP SERIES:** 1:1,000 **MAP SHEET:** 4743-03

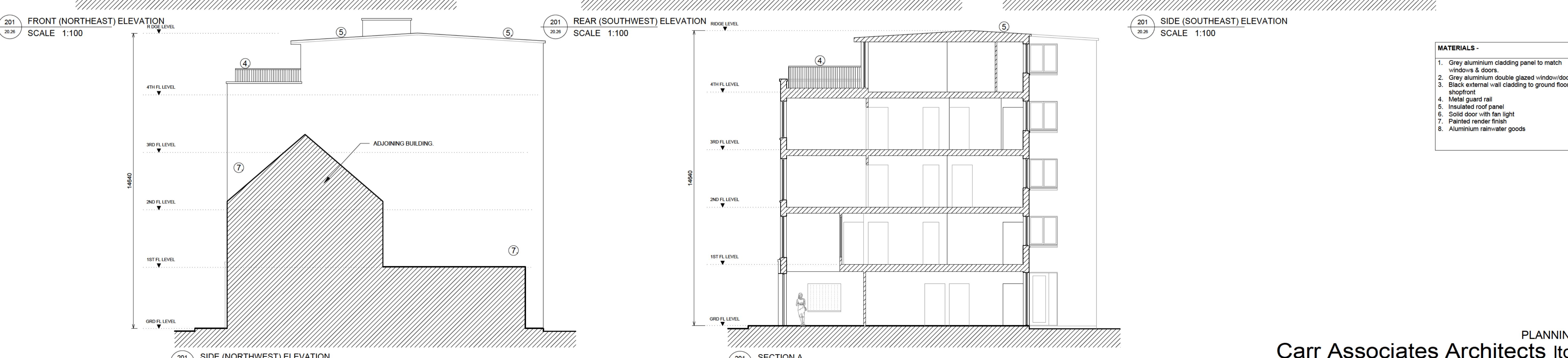
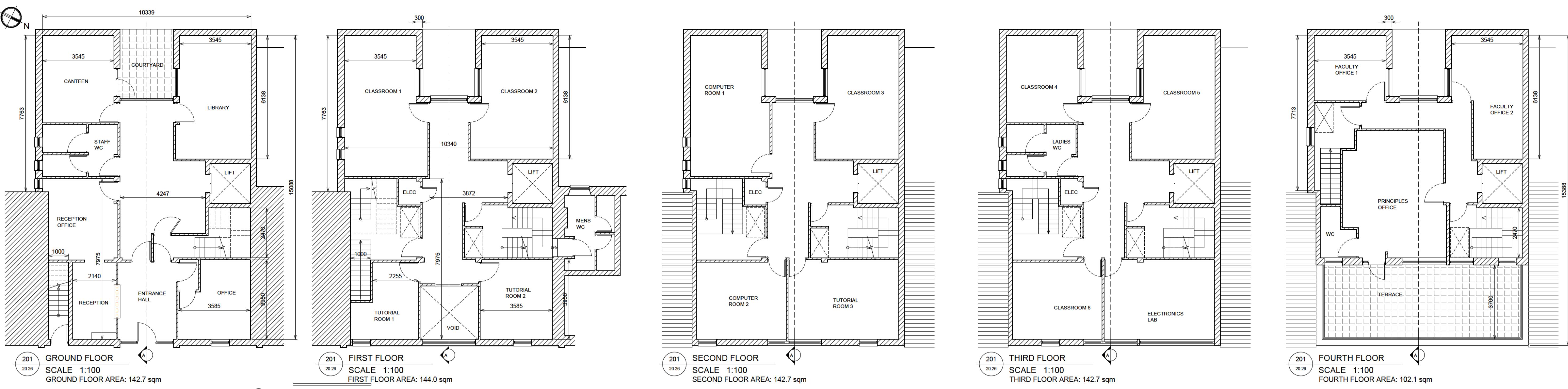
**CAPTURE RESOLUTION:** ☰  
The map objects are only accurate to the resolution at which they were captured.  
Output scale is not indicative of data capture scale.

Further information is available at:  
<http://www.osi.ie>; search 'Capture Resolution'

**LEGEND:** <http://www.osi.ie>; search 'Large Scale Legend'



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Revision:	Description:	Date:

Revision:	Description:	Date:

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PLANNING  
Carr Associates Architects Ltd.

Unit 3, Chapel Court, Cathedral Place, Limerick Tel (061)462018 Fax (061) 609662 e-mail: reception@carrarchitects.ie

Job:	31/32 UPPER WILLIAM ST LIMERICK V94 RY28	Scale:	1:100@A1
Drawing:	PLANS, SECTIONS & ELEVATIONS	Scale:	1:100@A1
Client:	COOLMINE COMMUNITY & RESIDENTIAL SERVICES	Drawn:	SOS
Date:	NOVEMBER 2025	Checked By:	AOH
Drawing No:	20.26.201		



200  
20.26 SITE LAYOUT PLAN  
SCALE 1:500

SITE OUTLINED IN RED  
SITE AREA = 0.186 ha

Revision:	Description:	Date:

NOTE:  
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Job:	31/32 UPPER WILLIAM ST LIMERICK V94 RY28	
Drawing:	SITE LAYOUT PLAN	Scale: 1:500@A3
Client:	COOLMINE COMMUNITY & RESIDENTIAL SERVICE	Drawn: SOS
Date:	NOVEMBER 2025	Checked By: AOH
Drawing No:	20.26.200	

Unit 3, Chapel Court, Cathedral Place, Limerick Tel (061)462018 Fax(061) 609662 e-mail: reception@carrarchitects.ie

PLANNING  
Carr Associates Architects Ltd.



Comhairle Cathrach  
& Contae **Luimnigh**

**Limerick City**  
& County Council

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

<b>File Reference number</b>	EC-243-25
<b>Applicant</b>	David Phillips
<b>Location</b>	V94RY28

**1.0 Description of Site and Surroundings:**

Existing unoccupied 5-storey building located on Upper William Street, Limerick City. Adjacent the site is a small plaza with wayfinding, benches and landscaping.

**2.0 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:

- *Proposed change of use from Educational Use to use as a Community Based Intervention / Counselling Service with ancillary child care service to support mothers which would fall under class 2 (c) of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).*

This Section 5 declaration includes the following:

- Cover Letter
- OSI Map
- Plans, Sections and Elevation Drawing
- Site Layout Plan

Within the submitted cover letter the applicant has stated that the proposed development falls under class 2(c) of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

**3.0 Planning History:**

08770312 – Permission for change of use from office to educational use for the purpose of delivering third level educational and training programmes from the premises.

06770118 – Permission granted for demolition of existing office building and construction of new five storey office building/associated site works

05770270 – Permission granted for the redevelopment of No's 31 and 32 Upper William Street, Limerick, incorporating revisions to internal layouts of ground, first and second floors; including extension to rear of building at first and second floors and alterations to front facade including installation of granite panels and roller shutters.

### **3.1 Enforcement History**

n/a

## **4.0 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).

### **5.1 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 proposal does constitute ‘development’ as it involves the making of a material change in the use of the structure.

### **5.2 Is the proposal exempted development?**

As per **Article 10(1)** (Change of Use) of the Planning and Development Regulations 2001 (as amended):

*Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—*

- (a) involve the carrying out of any works other than works which are exempted development,*
- (b) contravene a condition attached to a permission under the Act,*
- (c) be inconsistent with any use specified or included in such a permission, or*
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.*

Existing use: Educational Use (Planning Ref. 08/770312)

Proposed Use: Community based intervention/counselling service with ancillary childcare services to support mothers.

The applicant considers the proposed use would fall under Class 2(c) of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) -  
*“any other services (including use as a betting office), where the services provided principally to visiting members of the public”*

The existing Educational Use does not fall into Class 2, it is not a financial service, professional service or any other service provided principally to visiting members of the public.

The proposed use ‘Community based intervention/counselling service with ancillary childcare services to support mothers’, consists of a counselling service and childcare service which is considered to fall within Class 8.

Therefore, the proposed development does NOT consist of a change of use within any one of the classes of use specified in Part 4 of Schedule 2 and therefore is NOT exempted development.

## **5.0 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).

## **6.0 Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the absence of proximity or connectivity to a Natura 2000 European Site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site. An appropriate assessment screening report and determination is attached to this report.

## **7.0 Environmental Impact Assessment**

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations it has been concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **8.0 Conclusion/Recommendation**

There is no provision for exemption within any of the Classes as set out in Part 4 of Schedule 2 of the Planning and Development Regulations, 2001 for a change of use from

'Educational Use' to a 'Community Based Intervention / Counselling Service with ancillary child care service' use, under the exempted development provisions of the Planning and Development Regulations (as amended).

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Article 10 (1) of the Planning and Development Regulations 2001 (as amended).
- (c) The plans & particulars submitted with the application received on (03/12/2025).

It is therefore considered that the change of use is development and NOT exempted development under Article 10 (1) of the Planning and Development Regulations 2001 (as amended).

<b>Senior Executive Planner</b>	Gráinne O'Keeffe	Date: 18/12/2025
<b>Signature</b>		

#### Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-243-25
(b) Brief description of the project or plan:	Change of use, no external work proposed
(c) Brief description of site characteristics:	Existing building in city centre
(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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N

002165- Lower River Shannon SAC	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	695m	None	N
004077-River Shannon and River Fergus Estuaries SPA	<a href="https://www.npws.ie/protected-sites/sac/004077">https://www.npws.ie/protected-sites/sac/004077</a>	750m	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:	
<b>Impacts:</b>	<b>Possible Significance of Impacts: (duration/Magnitude etc)</b>
<b>Construction phase e.g</b> <ul style="list-style-type: none"> <li>- Vegetation clearance</li> <li>- Demolition</li> <li>- Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>- Dust, noise, vibration</li> <li>- Lighting disturbance</li> <li>- Impact on groundwater/dewatering</li> <li>- Storage of excavated/construction materials</li> <li>- Access to site</li> <li>- Pests</li> </ul>	None. Change of use only, no works proposed.
<b>Operation phase e.g.</b> <ul style="list-style-type: none"> <li>- Direct emission to air and water</li> <li>- Surface water runoff containing contaminant or sediment</li> <li>- Lighting disturbance</li> <li>- Noise/vibration</li> <li>- Changes to water/groundwater due to drainage or abstraction</li> <li>- Presence of people, vehicles and activities</li> <li>- Physical presence of structures (e.g collision risk)</li> <li>- Potential for accidents or incidents</li> </ul>	None.
<b>In-combination/Other</b>	None. Change of use only, no works proposed. therefore, no likely significant impact on the conservation objectives of the above named site.

<b>(b) Describe any likely changes to the European site:</b>	
Examples of the type of changes to give consideration to include:	None. Change of use only, no works proposed, therefore, no likely significant

<ul style="list-style-type: none"> <li>- Reduction or fragmentation of habitat area</li> <li>- Disturbance to QI species</li> <li>- Habitat or species fragmentation</li> <li>- Reduction or fragmentation in species density</li> <li>- Changes in key indicators of conservation status value (water or air quality etc)</li> <li>- Changes to areas of sensitivity or threats to QI</li> <li>- Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	impact on the conservation objectives of the above named site.
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<b>(c) (Are '<i>mitigation</i>' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)</b>			
<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>

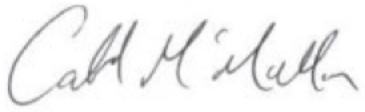
<b>STEP 4: Screening Determination Statement</b>		
<b>The assessment of significance of effects:</b>		
Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives		
On the basis of the information submitted, which is considered adequate to undertake a screening determination and having regard to: <ul style="list-style-type: none"> <li>• the nature and scale of the proposed development,</li> <li>• the intervening land uses and distance from European sites,</li> <li>• the lack of direct connections with regard to the Source-Pathway-Receptor model,</li> </ul> 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.		
<b>Conclusion:</b> An appropriate assessment is not required.		
	Tick as appropriate:	Recommendation:
(i) It is clear that there <b>is no likelihood</b> of significant effects on a European Site	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment not required.
(ii) It is <b>uncertain</b> 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
<b>Signature and Date of Recommending Officer:</b>	Cathal McMullan  _____ 16/12/2025	
<b>Signature and Date of the Decision Maker:</b>	 _____ 18/12/2025	

## Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC-243-25
Development Summary:	Change of use from Educational Use to use as a Community Based Intervention / Counselling Service
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes. no further action required  <input checked="" type="checkbox"/> X No. Proceed to <b>Part A</b>
<b>A. Schedule 5 Part I - Does the development comprise a project listed in Schedule 5. Part 1. of the Planning and Development Regulations 2001 (as amended)?</b> (Tick as appropriate)	

<input type="checkbox"/>	Yes. specify class: [insert here] _	EIA is mandatory  No Screening required
X	No	Proceed to Part B
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) <b>and</b> does it meet/exceed the thresholds? (Tick as appropriate)		
X	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 <b>and</b> 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 <b>but is sub-threshold</b> : [insert here] _	Proceed to Part C
<b>c. If Yes</b> , has Schedule 7A information/screening report been submitted?		
<input type="checkbox"/>	Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/>	No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

<b>Signature and Date of Recommending Officer:</b>	Cathal McMullan   16/12/2025
<b>Signature and Date of the Decision Maker:</b>	 18/12/2025

### **Appendix 3: Site visit**

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## PLANNING & PLACE-MAKING

### REG POST:

**David McPhilips,**  
**c/o Anthony O'Halloran,**  
**Carr Associates Architects,**  
**Unit 3,**  
**Chapel Close,**  
**Cathedral Place,**  
**Limerick City.**  
**V94 Y39C**

**EC/243/25**

**19 December 2025**

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**Re: Declaration under Section 5**

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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

**LIMERICK CITY & COUNTY COUNCIL**

**APPROVED OFFICER'S ORDER**

**SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**No. AOO/DC/2025/1447**

**File Ref No. EC/243/25**

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

**RE:** **A change of use from Educational Use to use as a Community Based Intervention / Counselling Service with ancillary childcare service to support mothers at 31/32 Upper William St, Limerick City.**

**ORDER:** Whereas by Director General's Order No. DG/2025/199 dated 24<sup>th</sup> November 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.

Now therefore pursuant to the delegation of the functions aforesaid, I, Grainne O'Keeffe, Senior Executive Planner, having considered the report and recommendation of Cathal McMullan, Assistant Planner dated 16/12/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to David McPhilips, c/o Anthony O'Halloran, Carr Associates Architects, Unit 3, Chapel Close, Cathedral Place, Limerick City to state that the works as described above is

**Development and is NOT Exempt Development.**

Signed

*Grainne O'Keeffe*

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

*19/12/2025*

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/1447 dated 19/12/2025, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

*Grainne O'Keeffe*

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



## **SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**DECLARATION NO.**

**EC/243/25**

**Name and Address of Applicant:** David McPhilips, 7 Ringwood Centre, Damastown Close, Damastown Industrial Park, Dublin 15

**Agent:** Anthony O'Halloran, Carr Associates Architects, Unit 3, Chapel Close, Cathedral Place, Limerick City

**Whether** the change of use from Educational Use to use as a Community Based Intervention / Counselling Service with ancillary childcare service to support mothers at 31/32 Upper William St, Limerick City 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 03<sup>rd</sup> day of December 2025.

**AND WHEREAS** the Planning Authority has concluded that the change of use from Educational Use to use as a Community Based Intervention / Counselling Service with ancillary childcare service to support mothers at 31/32 Upper William St, Limerick City **DOES NOT** come within the scope of exempted development under Article 10 (1) of the Planning and Development Regulations 2001 (as amended). 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

Date: 18.12.2025

**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.