

COMHAIRLE CONTAE AN CHLÁIR

REGISTERED POST The Secretary An Bord Pleanála 64 Marlborough Street, Dublin 1,

27th May 2021

D01 V902



Section 5 referral Reference R21-29 – Stephen Nugent

Whether

(1) The commercial activity at 5 Woodbrook, Cratloekeel, Co. Clare V95 T6W8 is considered development and exempted development. if SO. is it (2) The many new car parking spaces built in June & July 2019 is considered development exempted development. and if SO, is it

(3) The business intensification and expansions post 2019 work is considered development and if SO, is it exempted development.

(4) The installation of additional septic tank in October 2020 is considered development and if so, is it exempted development.

A Chara.

The Planning Authority has received a Section 5 declaration with respect to the above works

I wish to advise that the Planning Authority has not made a declaration in this instance and is now referring the matter to An Bord Pleanála for a determination under Section 5(4) of the Planning and Development Act, 2000, as amended,

I attach relevant details in relation to same along with fee of €110.00 for the referral.

Mise, le meas

Anne O'Gorman

Staff Officer

Planning Department

Economic Development Directorate

An Roinn Pleanála An Stiúrthóireacht Forbairt Gheilleagrach

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department Economic Development Directorate

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2











CLARE COUNTY COUNCIL COMHAIRLE CONTAE AN CHLÁIR

Planning Department, Economic Development Directorate, Clare County Council, New Road, Ennis, Co. Clare. V95DXP2 Telephone No. (065) 6821616 Fax No. (065) 6892071 Email: planoff@clarecoco.ie Website: www.clarecoco.ie



Comhairle Contae an Chlá Clare County Council

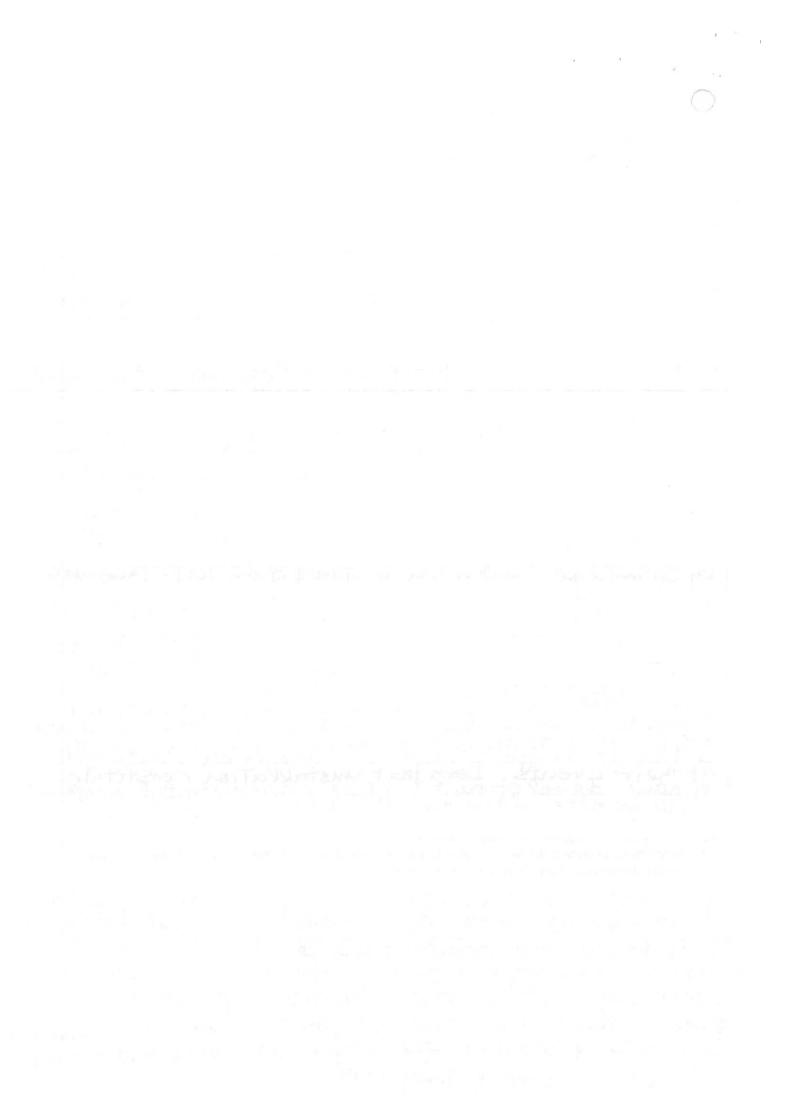
REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT (Section 5 of the Planning & Development Act 2000 (as amended))

FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.				
(a) Name and Address of person seeking the declaration	STEPHEN NUGENT 9 Wood brook Cratloe Keel Co. Clare 195 HK54			
(b) Telephone No.:	087 - 616 6248			
(c) Email Address:	Snugert385 @ gmail.com			
(d) Agent's Name and address:				

2.	DETAILS REGARDING DECLARATION BEING SOUGHT
(a)	PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT Note: only works listed and described under this section will be assessed.
Samp	le Question: Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development? E Commercial activity at 5 Wood brook a development? (See bel
Are.	the many new car parking spaces but in time atiny 2019 cen exempted divelopment? (see below)
	re lousiness intensification & expansions pot 2019 work, constitute a now
了らり (b) I	re installation of additional Soptic TANK in Oct 2020 constitute a new deveroide a full description of the question/matter/subject which arises wherein a declaration of the question
one	sought unformation on questions above by same number
	Is the large commercial activity with large numbers of non-nexts days & mights & weekends a development?
2	Is the new larger commercial car park built and serated at front of house (built in Fine/Fuly 2019) Se
u	D19-095, Is all of that an exempted development
3)	Per evidence submitted in UD19-095 they greatly
62	panded the interior room space vacmstruction work
4	Springridge Construction in Fines July 2019. This was
do	e to allow a large expansion of the room of partien
cm	d they expanded class sizes and also quantity of
The state of the s	at constitute a new development?
Ceq	ain hired Springridge Construction to install addition
Ca	TER to large crowds of commercial distance
131	new development? (see environmental counts 190 for more information pens videos and photos)
	ist of plans, drawings etc. submitted with this request for a declaration: Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey
	nap for the areas, to identify the lands in question)
05 5	Land Registry Compliant MAP - 2 copies Pink jughter wood torook green is the reorden but Food cultill by Prying cystomers for drop-Its of Deople goods
5	cages showing examples of informating in both.
ND	19-095 and in environmental complaint 13190
1 5h	sowing their large new car part in use as a commer prise & showing new larger interior event sp
an C	First in June & Fully 2019
6	JULY I NO CTUVE II COOL LOUIS



3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT					
(a)	Postal Address of the Property/Site/Building for which the declaration sought:	5 Wood brook Cratloe Keel Co. Clare V95 T6W8			
(b)	Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	No			
(c)	Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Noise Nuisance of NEIGHBOUR interfering with quiet enjoyment of his premises across the street			
(d)	If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.	GERARDINE CAHILL 5 Wood Drook Cratlockeel Co Clare V95 T6W8			
(e)	Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	No			
(f)	Are you aware of any enforcement proceedings connected to this site? If so please supply details:	NO FINAL ENFORCEMENTS, BUT OPEN ARE: PLANNING COMPLAINT = UD19-095 ENVIRONMENTAL COMPLANT = 13190			
(g)	Were there previous planning application/s on this site? If so please supply details:	ORIGINAL HOUSE PLANNING PERMISSION 1998 = P98-1820			
(h)	Date on which 'works' in question were completed/are likely to take place:	WORKS WERE COMPLETED IN JUNE AND JULY 2019			

SIGNED: The Juga

DATE: MAY6#2021

GUIDANCE NOTES

This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

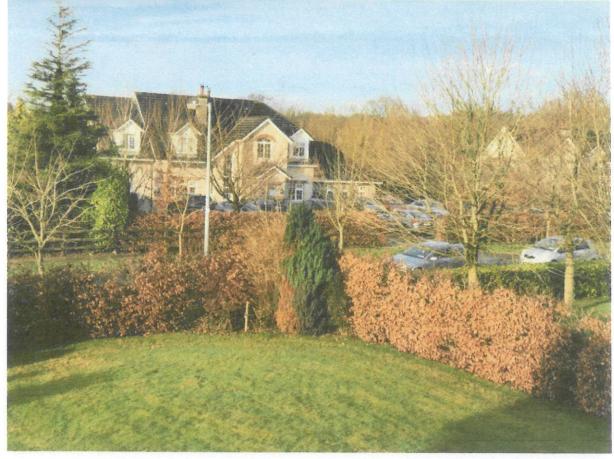
- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

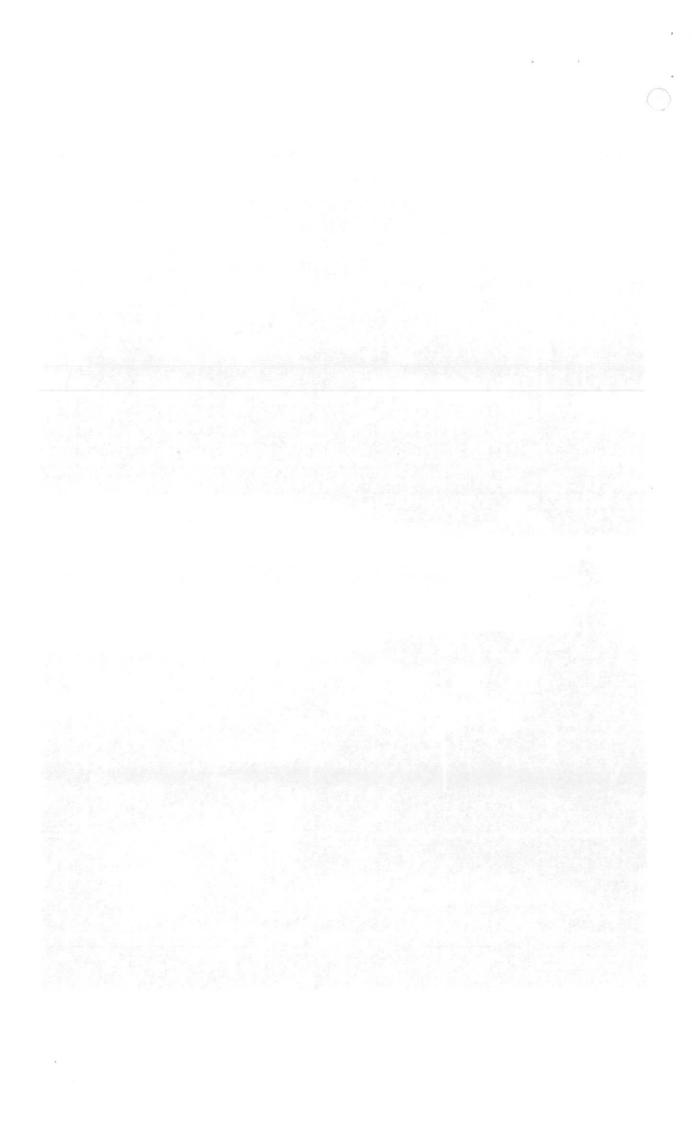
Planning Department,
Economic Development Directorate,
Clare County Countil
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

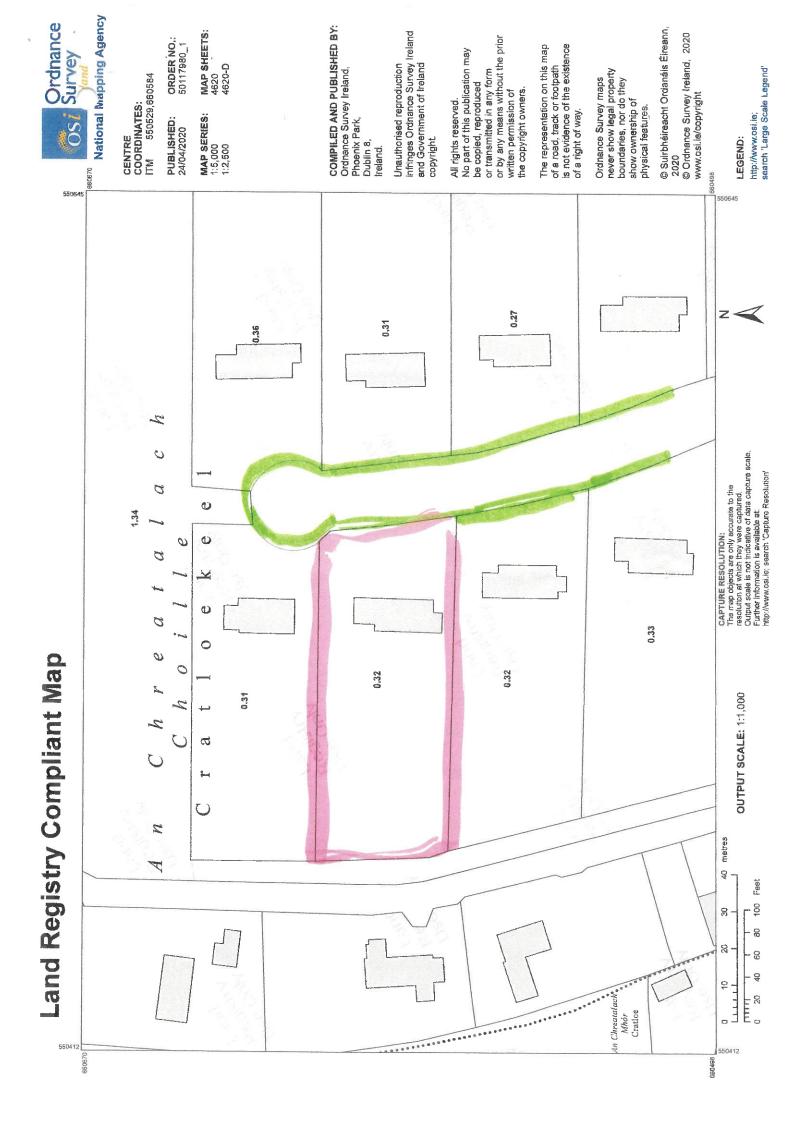
- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

FOR OFFICE USE ONLY			
Date Received:		Fee Paid:	
Date Acknowledged:		Reference No.:	
Date Declaration made:		CEO No.:	
Decision:	-	***************************************	









5 supplemental pages from S Nugent

May 6th 2021 – provided in support of Section 5 application for 5 Woodbrook Cratloekeel Co Clare House plans below showing the building modification work carried out & the building of external car parking spaces for non-resident commercial customers.

These are provided only as examples of the full range of videos, photos and documents already provided to Clare County Council

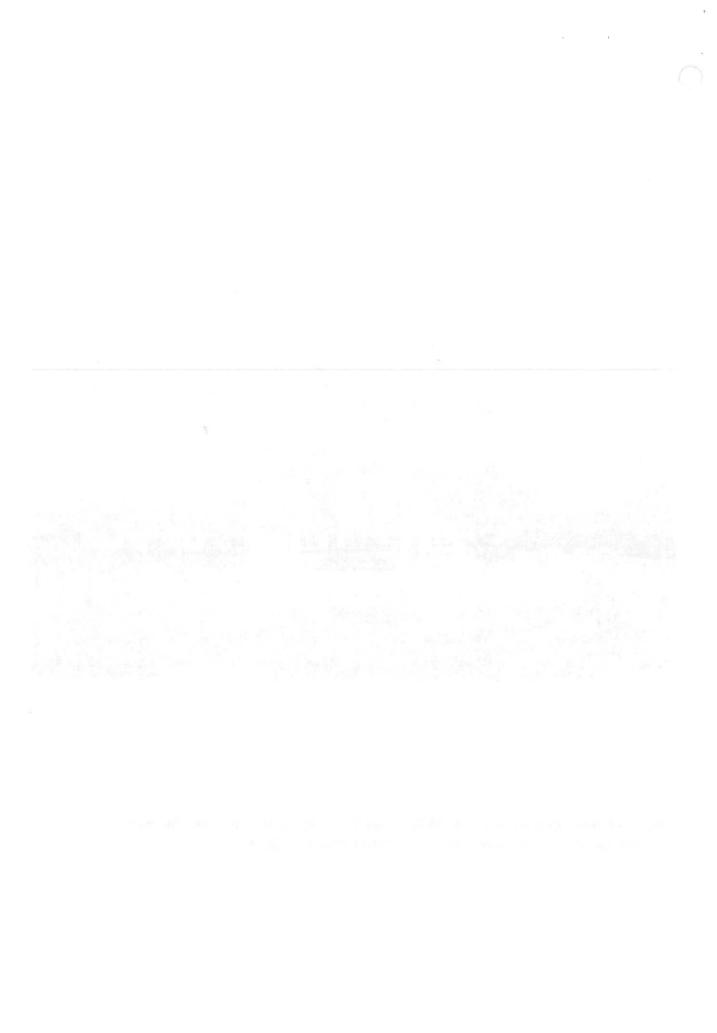
- a) in planning complaint UD19-095
- b) and environmental complaint 13190.

Please review the above 2 open complaints for all additional information.

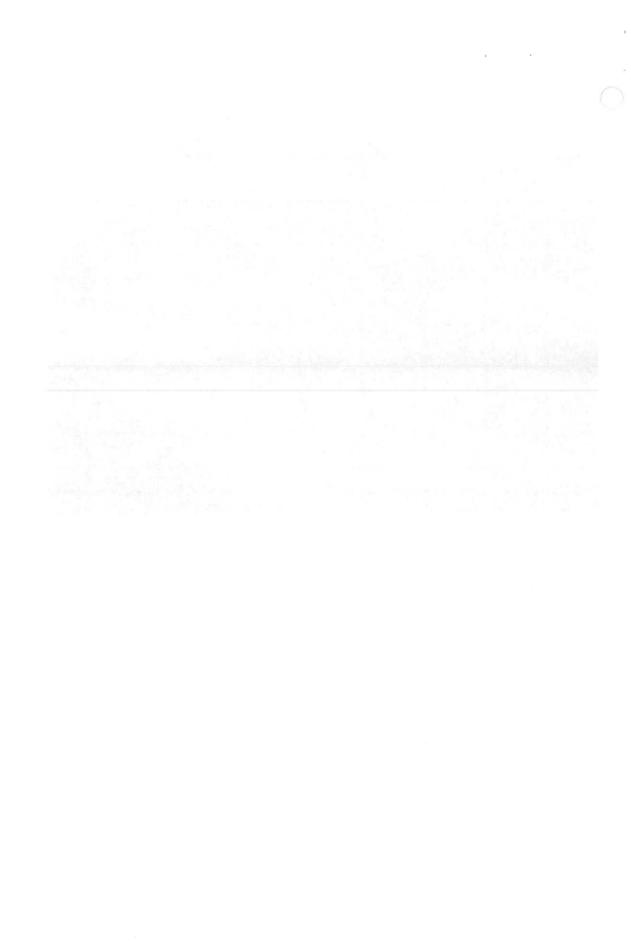
Google Street view PHOTO follows of 5 Woodbrook, BEFORE they built the new car park & before they knocked internal walls, and before they converted the garage.

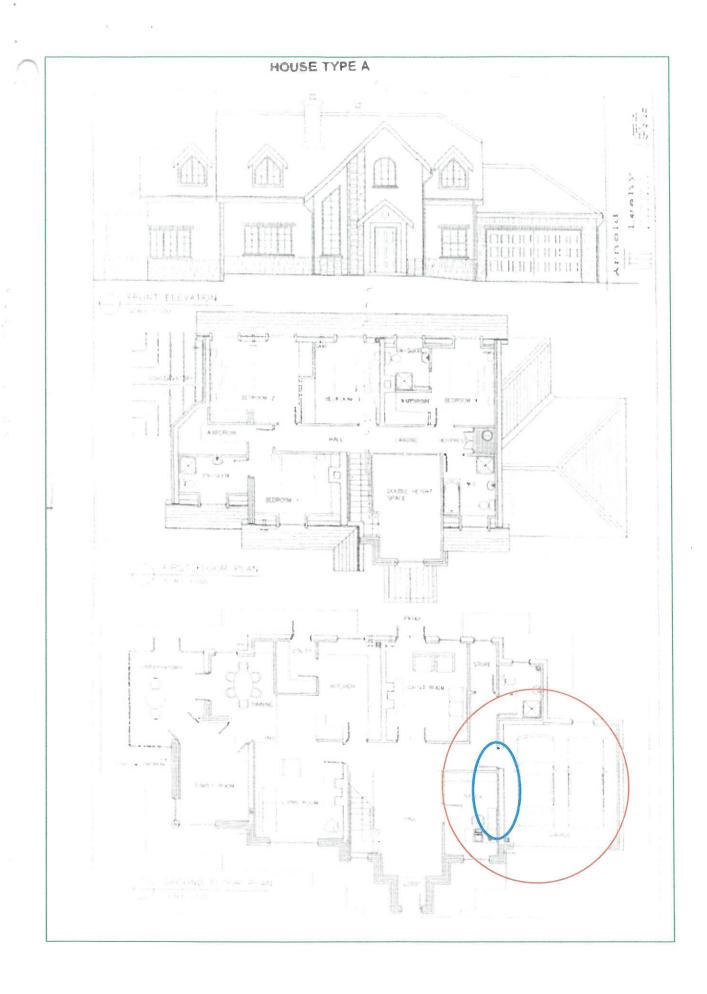


PHOTOS follows of 5 Woodbrook, AFTER they built ... & started operating the new commercial car park for their customers. Photos from late 2019









The RED circle above, shows the area of their dwelling house, that they had extensively modified by their building contracting company in June & July 2019.

The wall circled in blue color was knocked by their builders (concrete double block, cavity wall) which was an exterior main building wall linked to the original garage, to change the use of the house.

This construction work & large changes in 2019 resulted in 3 windows across the front of their house, which is being used as a commercial event center. Photo from 1 webpage of their "shop" online section



Opening Hours
Saturdays: 10am - 2rm
Weekdays by appointment
Online Shop is always open

Welcome to our Shop

If we fun here sing the sigh what we have in store Gift Couchers are also available.

We sell fabries: wadding; etc by the 1/4 yard. Phoase pins to us if you have eary queries, or would need any more information,

LDG. ABP.	V BORD PLE	ANÁLATI
Fee: €	2 8 MAY 2021 Type:	
	By:	