

Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Nora Irwin, c/o J.E. Keating & Associates, Office 4, Holbar House, East Douglas, Cork T12 X300

11/05/2022

RE: Section 5 Declaration R694/21 10 Grand Parade, Cork T12
WF72

A Chara,

With reference to your request for a Section 5 Declaration at the above named property, I wish to advise as follows:

In view of the above and having regard particularly to -

- Article 9 (1) (a) (i) of the Planning and Development Regulations, 2001 (as amended).
- The particulars received by the Planning Authority on 26/102021 and 13/04/2022

The Planning Authority has concluded that -

• The proposal comes within the scope of the definition of 'development' as defined in Section 3 of the Planning and Development Act, 2000 as amended

And therefore, the Planning Authority considers that -

• The existing use is development and is exempted development



Is mise le meas,

Sate Lague

Kate Magner
Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council

SECTION 5 DECLARATION - PLANNER'S REPORT

File Reference:

R 694/21

Question/Declaration

Details:

Planning permission is not required for the premises, mainly the first and second floors, as the primary use prior to 1963 up to the present day was in use as a dental

practice

Applicant:

Nora Irwin

Location:

10 Grand Parade, Cork

Date:

04/05/2022

SUMMARY OF RECOMMENDATION

is development, is exempted development

This report should be read in conjunction with the previous planner's report dated. 02/12/2021. The applicant was requested to submit further information for the following in order to progress the planning assessment of this Section 5 application. The further information request was as follows:

- 1. It is noted that a statement has been supplied in response to Q2 of the application form. A specific question must be asked as opposed to the statement submitted (planning permission is not required for the use of the ground, first and second floors as a dental practice that has been used as a dental practice for more than 40 years). Please refer to the wording as set out in Section 5 (1) of the Planning and Development Act 2000 (as amended) and submit a question (within the meaning of this Act) to the Planning Authority, for example: Is the change of use from "x" (see point 3 below) to a dental surgery development and if so, is it exempted development.
- 2. The above statement refers to a ground floor and no plans of same have been submitted. Please submit the ground floor plans.
- The applicant states that the dental practice has been operation for "more than 40" years. Applicant is required
 to clarify the prior use of the ground floor, first floor and second floor of this property before it became used for
 a dental practice.
- (i) Applicant should submit any grant of permission which exists for the dental practice.
 (ii) Applicant shall confirm with evidence if the dental practice was in situ and operational prior to the 1963 Planning and Development Act being adopted.

The applicant submitted a response on 13/04/2022 which included a cover letter and a resubmission and update of the Section 5 application form.

In the cover letter response, the applicant advises that they are making a declaration, (rather then a question) on the planning status of the use of the dental practice on the 1st and 2nd floors of the building as a dental practice. The applicant also confirms that the dental practice does not operate from the ground floor and that there is along established retail use (pharmacy on the ground floor). The only element of the ground floor relating to the dental practice use is the ground floor access to the 1st and 2nd floors of the building. The applicant has also confirmed that the premises (1st and 2nd floors) were in use as a dental practice prior to 1963 by another dentist but no planning documentation is available to provide evidence of same.

Assessment of Further Information:

Having regard to the declaration being put to the Planning Authority, I think it is reasonable to accept that the dental practise use of the 1st and 2nd floor levels of this building is established prior to 1963. The applicant is not proposing a change of use, but seeks a declaration that the current use is exempt from requiring planning permission i.e. exempted development.

The matter for consideration and assessment is whether the existing use of the 1st and 2nd floors of the building as a dental practice requires the benefit of planning permission. There is no change of use being proposed and the applicants have established, within reason, that the current use is in situ since prior to 1963.

From the record of the building (Ref 20513125) on the National Inventory of Built Heritage (NIAH), the property of 10 Grand Parade was built in approx. 1790 – 1810 and would have has an original use as a house. The NIAH record shows that the alterations to the ground floor and shopfront occurred in approx. 1975. The use of the 1st and 2nd floors as a dental practise would been a material change of use from the original use of the building from residential to a dental practice.

The change of use would be considered development when the existing dental practise use commenced, but this is not what is being sought a declaration on for this application. The matter for assessment is whether the existing use requires planning permission.

In my view, having regard to the length of time of the dental practice use at this property, with no evidence that the use had been abandoned and recommenced in that time, and the fact that the use does not contravene any condition of planning permission associated with the building, it is exempted development. This would be having regard to the provisions of Article 9(1) (a) (i) of the Planning and Development Regulations, 2001 (as amended).

Conclusion

Having regard to:

Having regard to: In view of the above, and having regard to-

- Article 9 (1) (a) (i) of the Planning and Development Regulations, 2001 (as amended).
- The particulars received by the Planning Authority on 26/102021 and 13/04/2022

The Planning Authority has concluded that -

 The proposal comes within the scope of the definition of 'development' as defined in Section 3 of the Planning and Development Act, 2000 as amended

And therefore, the Planning Authority considers that -

The existing use <u>is development</u> and <u>is exempted development</u>

Gwen Jordan McGee Senior Executive Planner

11/05/2022

J.E. KEATING + ASSOCIATES ARCHITECTS

4 Holbar House East Douglas Village, Cork 021-43625 fax 4362510



DATE: 11.04.2022 CLIENT: 10 GRAND PARADE CORK T12 WF72 JOB NO: 21024

The Secretary
Planning Department,
City Council,
City Hall,
Anglesea Street,
Cork.

DEVELOPMENT MANAGEMENT

CCP

1 3 APR 2022

Applicant: Nora Irwin

CORK CITY COUNCIL

Re: R683/21 Section 5 Declaration

We refer to the further information letter received on 2nd December 2021 in respect to Section 5 Ref no. R683/21 for our client Nora Irwin, please see our respond below for each item:

- 1. Please see 3 no. copies of amended Section 5 declaration form. Under Section 5 (1) we are declaring that planning permission is not required for this premises, mainly the first and second floors, as the primary use prior to 1963 up to the present day was in use as a dental practice.
- 2. On behalf of our client Nora Irwin, we can confirm that the practise does not operate on the Ground Floor. The space was always occupied by retail pharmacy since the dental practise began. We refer to planning permission ref. no 03/27390 which shows a change of shop front to an existing retail unit. Our section 5 drawings shows a dental practice outlined in red which only refers to the first and second floors .Ground floor is not in their ownership.
- 3. On behalf of our client we can confirm that both first and second floors was in use as a dental practice prior to 1963 by a Dr.Golden.
- 4. On behalf of our client we can confirm that the space was in use by dental practice prior to 1963 by Dr.Golden and we are not aware if any planning permission that was made at that time.(having searched the planning files)

If you require any further information, please don't hesitate to contact me. Yours faithfully

KEATING + ASSOCIATES ARCHITECTS

Member of the Royal Institute of the Architects of Ireland. Architects Registration Board of the United Kingdom. Royal Institute of British Architects. Registered Company 296894. Nora Irwin, c/o J.E Keating & Associates, Office 4, Holbar House, East Douglas, T12 X300

2nd December 2021

RE: R683/21 - Section 5 Declaration Property: 10 Grand Parade, Cork, T12 WF72

Dear Sir/Madam,

With reference to your request for a section 5 Declaration at the above named property, I am advised to request further information in relation to:

- 1. It is noted that a statement has been supplied in response to Q2 of the application form. A specific question must be asked as opposed to the statement submitted (planning permission is not required for the use of the ground, first and second floors as a dental practice that has been used as a dental practice for more than 40 years). Please refer to the wording as set out in Section 5 (1) of the Planning and Development Act 2000 (as amended) and submit a question (within the meaning of this Act) to the Planning Authority, for example: Is the change of use from "x" (see point 3 below) to a dental surgery development and if so, is it exempted development.
- 2. The above statement refers to a ground floor and no plans of same have been submitted. Please submit the ground floor plans.
- 3. The applicant states that the dental practice has been operation for "more than 40" years. Applicant is required to clarify the prior use of the ground floor, first floor and second floor of this property before it became used for a dental practice.
- (i) Applicant should submit any grant of permission which exists for the dental practice.
 (ii) Applicant shall confirm with evidence if the dental practice was in situ and operational prior to the 1963 Planning and Development Act being adopted.

Yours faithfully,

Áine O'Leary

Assistant Staff Officer

Community, Culture and Placemaking

Cork City Council

COMPAIRLE CATHRACH CHORCAÍ CORK LITY COUNCIL

Community, Culture & Placemaking Directorate, Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail planning@corkcity.ie

Fón/Tel: 021-4924564/4321 Líonra/Web: <u>www.corkcity.ie</u>

SECTION 5 DECLARATION APPLICATION FORM

under Section 5 of the Planning & Development Acts 2000 (as amended)

1.	POSTAL	ADDRESS OF	LAND OR	STRUCTURE	FOR WHICH	DECLARATION	IS SOLIGHT
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10 GRAND PARADE CORK T12 WF72

2. QUESTION/ DEC	CLARATION DETAILS
PLEASE STATE THE S	SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:
<u>Sample Question:</u>	Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?
Note: only works listed	and described under this section will be assessed under the section 5 declaration.
we are declaring the first and second flouse as a dental pra	nat planning permission is not required for this premises, mainly the pors, as the primary use prior to 1963 up to the present day was in actice.
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lease see attached dr	rawings showing the entry level, first and second floors that set out the extent
f the current dental p	

if so please supply do		eedings cor	inected to this site?
	ration under Sectio	n 57 of the	of a Protected Structure? Planning & Development Act 2000 been g Authority?
5. Was there previous a lf so please supply do N/A		plication/s	on this site?
6. APPLICATION DETAIL Answer the following if applicable indicated in square meters (so	– e. Note: Floor areas a	re measured	from the inside of the external walls and should
(a) Floor area of existing	CONTRACTOR OF THE PROPERTY OF	re/s	140 sqm
location after 1 st O for which planning obtained)?	res been erected at ctober, 1964, (includ permission has bee	this ding those n	Yes No X If yes, please provide floor are: (sq m) ing(s), please state the following:
Existing/ previous use (plear - DENTAL PRACTICE	ase circle)	Proposed/	existing use (please circle) AL PRACTICE
7. APPLICANT/ CONTAC		Nora Irv	rin
Applicants Address	10 GRAND PARADE CORK T12 WF72	,	
Person/Agent acting on behalf of the Applicant (if any):	Name:	J.E. Keat Associat	_

	Address:	Office 4, Holbar House, East Douglas Cork T12 X300	s,
	Telephone:	021 4362506	
	Fax:		
	E-mail address:	paul@keatingarchitects	s.ie
Should all corresponden (Please note that if the answer is 'N address)	ce be sent to the abo', all correspondence will be	ove address? Yes ent to the Applicant's	X No
. LEGAL INTEREST			
Please tick appropriate b		's A. Owner X	B. Other
Where legal interest is 'C your interest in the land/		1	
If you are not the legal on name and address of the		ie.	
. 1 / We confirm that the i	nformation containe		true and accurate: Date: 11/04/2023
	<u>ADVISO</u>	RY NOTES:	· •
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he application should be accoor the area, is a scale not less			· · · · · · · · · · · · · · · · · · ·
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• The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.

The Development Management Section, Community, Culture & Placemaking Directorate,

Cork City Council, City Hall, Anglesea Street, Cork.

The application should be sent to the following address:

- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations 2001 as amended.

DATA PROTECTION

"Cork City Council is committed to fulfilling its obligations imposed by the Data Protection Acts 1988 to 2018 and the GDPR. Our privacy statement and data protections policy is available at https://www.corkcity.ie/en/council-services/public-info/adpr/.

We request that you read these as they contain important information about how we process personal data.

COMHAIRLE CATHRACH CHORCAÍ CORK CITY COUNCIL

Community, Culture & Placemaking Directorate, Cork City Council, City Hall, Anglesea Street, Cork.

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SECTION 5 DECLARATION APPLICATION FORM

under Section 5 of the Planning & Development Acts 2000 (as amended)

1. POSTAL ADDRESS	OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT
10 GRAND PARADE	CORK T12 WF72
2. QUESTION/ DECL	ARATION DETAILS
PLEASE STATE THE SP	ECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:
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If so please supply details: N/A	proceedings connected to this site?
	in the curtilage of a Protected Structure? ection 57 of the Planning & Development Act 2000 been by the Planning Authority?
5. Was there previous relevant plannin If so please supply details: N/A	g application/s on this site?
6. APPLICATION DETAILS	
	as are measured from the inside of the external walls and should
(a) Floor area of existing/proposed stru	ucture/s 140 sqm
(b) If a domestic extension, have any p extensions/structures been erected location after 1 st October, 1964, (in for which planning permission has obtained)?	d at this Yes No No No College No
(c) If concerning a change of use of land	d and / or building(s), please state the following:
Existing/ previous use (please circle) - DENTAL PRACTICE	Proposed/existing use (please circle) - DENTAL PRACTICE
7. APPLICANT/ CONTACT DETAILS	
Name of applicant (principal, not agent):	Nora Irwin
Applicants Address 10 GRAND PARA CORK T12 WF72	•
Person/Agent acting on behalf of the Applicant (if any):	J.E. Keating & Associates

	Address:	Office 4, Holbar House, East Douglas Cork T12 X300	į.
	Telephone:	021 4362506	144
	Fax:	***************************************	
	E-mail address:	oaul@keatingarchitects.	ia
Should all corresponden (Please note that if the answer is 'N address) 5. LEGAL INTEREST		cristing Ford Section (4.1) Library Constituting FCASA 1	X No
Please tick appropriate b		A. Owner X	B. Other
Where legal interest is 'Q' your interest in the land/	ther', please state		
If you are not the legal on name and address of the	wner, please state the		
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85546586565658	APPLICANT/ CONTAC					
Nan	ne of applicant (princ	ipal, not agent):	Nora In	win		
App	licants Address	10 GRAND PARADI CORK T12 WF72				
40.56960050	on/Agent acting on alf of the Applicant ny):	Name:	J.E. Kea Associa	_		A

Date: 1/04/202 ADVISORY NOTES: The application must be accompanied by the required fee of €80 The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question. Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable		Address:	Office 4, Holbar House, East Douglas, Cork T12 X300	;,
E-mail address: paul@keatingarchitects.ie		Telephone:	021 4362506	
Should all correspondence be sent to the ab ove address? (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address) Description of the land or structure Where legal interest in the land or structure in question If you are not the legal owner, please state the name and address of the owner if available Date: // O4 / 202 ADVISORY NOTES: The application must be accompanied by the required fee of €80 The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question. If applicable Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable		Fax:		
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Cork City Council, City Hall, Anglesea Street, Cork.

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Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Nora Irwin, c/o J.E Keating & Associates, Office 4, Holbar House, East Douglas, T12 X300

2nd December 2021

RE: R683/21 - Section 5 Declaration

Property: 10 Grand Parade, Cork, T12 WF72

Dear Sir/Madam,

With reference to your request for a section 5 Declaration at the above named property, I am advised to request further information in relation to:

- 1. It is noted that a statement has been supplied in response to Q2 of the application form. A specific question must be asked as opposed to the statement submitted (planning permission is not required for the use of the ground, first and second floors as a dental practice that has been used as a dental practice for more than 40 years). Please refer to the wording as set out in Section 5 (1) of the Planning and Development Act 2000 (as amended) and submit a question (within the meaning of this Act) to the Planning Authority, for example: Is the change of use from "x" (see point 3 below) to a dental surgery development and if so, is it exempted development.
- 2. The above statement refers to a ground floor and no plans of same have been submitted. Please submit the ground floor plans.
- 3. The applicant states that the dental practice has been operation for "more than 40" years. Applicant is required to clarify the prior use of the ground floor, first floor and second floor of this property before it became used for a dental practice.
- 4. (i) Applicant should submit any grant of permission which exists for the dental practice. (ii) Applicant shall confirm with evidence if the dental practice was in situ and operational prior to the 1963 Planning and Development Act being adopted.

Yours faithfully,

Áine O'Leary
Assistant Staff Officer
Community, Culture and Placemaking
Cork City Council



PLANNER'S REPORT Ref. R694/21		Cork City Council Development Management Strategic Planning and Economic Development
Application type	Section 5 Declaration	
Description	"Planning is not required for the use of the ground, 1 st and 2 nd floor as a dental practice that has been used as a dental practice for more than 40 years"	
Location	10 Grand Parade	
Applicant	Nora Irwin	
Date	02/12/2021	
Recommendation	Further Information to be requested.	

In this report 'the Act' means the Planning and Development Act 2000 (as amended) and 'the Regulations' means the Planning and Development Regulations 2001 (as amended), unless otherwise indicated.

1. Requirements for a Section 5 Declaration

Section 5(1) of the Planning and Development Act 2000 as amended states,

5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

The requirements for making a section 5 declaration are set out in the Act.

2. The Question before the Planning Authority

In framing the question to the planning authority, the applicant states in Q2 of the application form:

"Planning is not required for the use of the ground, 1st and 2nd floor as a dental practice that has been used as a dental practice for more than 40 years"

3. ENVIRONMENTAL ASSESSMENT

3.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) Regulations 2011) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly it is considered that an environmental impact statement is not required to be submitted.

3.2 Screening for Appropriate Assessment

Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the *Habitats Directive*, the *Appropriate Assessment Guidelines for Planning Authorities 2009* (revised 2010) and the Act are noted. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the

integrity of the European sites referred to above. Accordingly, it is considered that appropriate assessment is not required.

4. Site Description

The property in question is a four-storey terraced dwelling in the city centre. Currently here is a pharmacy at ground level (Lloyds).

5. Planning History

One planning applications are referred to which are both attached to this site:

This is summarised as follows:

CCC# Ref		
03/27390	Permission granted to replace existing shopfront	atst!

6. Legislative Provisions

6.1 The Act

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 <u>or</u> 'the making of any material change in the use of any structures or other land'

Section 4(1)(h),

The following shall be exempted developments for the purposes of this Act-development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 4(2).

Section 4(2) provides that the Minister may, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations 2001-2013.

Section 5(1),

(See section 1 of this report)

Section 177U (9) (screening for appropriate assessment)

In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

6.2 The Regulations

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)

Development to which article 6 relates shall not be exempted development for the purposes of the Act -

- (a) (i) if the carrying out of such development would... contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.
- (a) (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

Article 10 (1)

Development which consists of a change of use within any one of the classes of use as 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 –

- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be development where the existing use is an unauthorised use, save where the change of use consists of resumption of a use which is not unauthorised and which has not been abandoned

Class 2 of Part 4 of Schedule 2

Use for the provision of -

- (a) financial services
- (b) professional services (other than health or medical services)
- (c) any other service (including use as a betting shop),

where services are provided principally to visiting members of the public.

7. ASSESSMENT

6.1 Development

The first issue for consideration is whether or not the matter at hand is 'development'.

'Development' as defined in the Act (3)(1) comprises two possible chief components: '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 relates to a use — in this case a dental use -that is alleged to have been established for at least 40 years.

The statement before the planning authority relates to a possible change of use of the unit to a dental practice (40 years ago). Therefore, the use as a dental practice is considered to constitute a change of use in terms of this assessment and therefore is deemed development.

5.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development.

Class 14 of Part 1 Schedule 2 of the Planning and Development Regulations refer to Change of Use that is exempt. Under this Class, there is no exemption for a change of use to a dental surgery/medical facility.

It is unknown what the previous use was prior to the change of use to a dental surgery. Further to the above Class 14, Class 2 of Part 4 of Schedule 2 determines that while there may be

exemptions for change of use to professional services, it is not available for health/medical services of which dentistry is.

Aside from the grant of permission issued under TP03/27390 to replace the existing shopfront (subject to 4no,. conditions), there doesn't appear to be any historical planning permission relating to a change of use. There does not appear to be an existing permission with conditions which could be contradicted. Further information shall be requested from the applicant to assert if an existing grant of permission has been issued for a change of use. It would appear that historically this it would have been primarily residential at the upper floors and there are still apartments at upper levels. Applicant to submit details and specifics of the residential element of the building and validate whether the first and second floors were ever in use as residences.

8. Conclusion

It is recommended that further information be sought on this application.

- 1. Firstly, a specific question must be asked as opposed to the statement submitted (planning permission is not required for the use of the ground, first and second floors as a dental practice that has been used as a dental practice for more than 40 years).
- 2. The above statement refers to a ground floor and no plans of same have been submitted. These should be submitted as they form part of the query.
- 3. The applicant states that the dental practice has been operation for "more than 40" years. Applicant is required to clarify the prior use of the ground floor, first floor and second floor of this property before it became used for a dental practice.
- 4. (i) Applicant should submit any grant of permission which exists for the dental practice (ii) Applicant shall confirm with evidence if the dental practice was in situ and operation prior to the 1963 Planning and Development Act being adopted.

9. RECOMMENDATION

It is recommended that the following further information be sought:

Pleas be advised that based on the details and plans submitted to the Planning Authority, it is not in a position to determine the Section 5 submitted and requires further information to enable the assessment to progress.

- 1. It is noted that a statement has been supplied in response to Q2 of the application form. A specific question must be asked as opposed to the statement submitted (planning permission is not required for the use of the ground, first and second floors as a dental practice that has been used as a dental practice for more than 40 years). Please refer to the wording as set out in Section 5 (1) of the Planning and Development Act 2000 (as amended) and submit a question (within the meaning of this Act) to the Planning Authority, for example: Is the change of use from "x" (see point 3 below) to a dental surgery development and if so, is it exempted development.
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- (i) Applicant should submit any grant of permission which exists for the dental practice.
 (ii) Applicant shall confirm with evidence if the dental practice was in situ and operational prior to the 1963 Planning and Development Act being adopted.

Mary	Doyl	е	
Execu	utive	Pla	nner

J.E. KEATING + ASSOCIATES ARCHITECTS

4 Holbar House East Douglas Village, Cork 021-4362506 fax 4362510



DATE: 26.10.2021 CLIENT: 10 GRAND PARADE CORK T12 WF72 JOB NO: 21024

The Secretary
Planning Department,
City Council,
City Hall,
Anglesea Street,
Cork.

Applicant: Nora Irwin

I enclose here with the following documents in support of an application for outline permission on the above project. Please find attached:

- 4 No. Copies of Cork County Council section 5 application forms duly completed and signed on behalf of our client
 1 No. Correct Application Fee €80
- 4 No. Copies of Set of drawings reporting:
 - Site Map (1:1000)
 - First Floor plan
 - Second Floor Plan
 - Elevation
 - Section

Comhairle Cathrach Chorcaí Cork City Council

2 6 OCT 2021

Strategic Planning & Economic Development Lirectorate

If you require any further information, please don't hesitate to contact me. Yours faithfully

JE KEATING + ASSOCIATES ARCHITECTS

Member of the Royal Institute of the Architects of Ireland. Architects Registration Board of the United Kingdom. Royal Institute of British Architects. Registered Company 296894

COMHAIRLE CATHRACH CHORCAÍ CORK CITY COUNCIL

Strategic Planning & Economic Development Directorate,

R-Phost/E-Mail planning@corkcity.ie Cork

City Council, City Hall, Anglesea Street, Cork.

Fón/Tel: 021-4924564/4321

Líonra/Web: www.corkcity.ie

SECTION 5 DECLARATION APPLICATION FORM

under Section 5 of the Planning & Development Acts 2000 (as amended)

1. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT

10 GRAND PARADE CORK T12 WF72

2. QUESTION/ DECLARATION DETAILS

PLEASE STATE THE	SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:
Sample Question:	Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?
Note: only works listed	d and described under this section will be assessed under the section 5 declaration.
ye recent and the second	quired for the use of the , ground, first and second floor as a dental been used as a dental practice for more than 40 years
ADDITIONAL DETAIL (Use additional sheets	S REGARDING QUESTION/ WORKS/ DEVELOPMENT: if required).
See attached drawi the current dental p	ngs showing the entry level, first and second floors that set out the extent of tractice use.

Comhairle Cathrach Chorcaí Cork City Council

2 6 OCT 2021

Strategic Planning & Economic Development Lirectorate

ADVISORY NOTES:

The application must be accompanied by the required fee of €80

The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

The application should be sent to the following address:

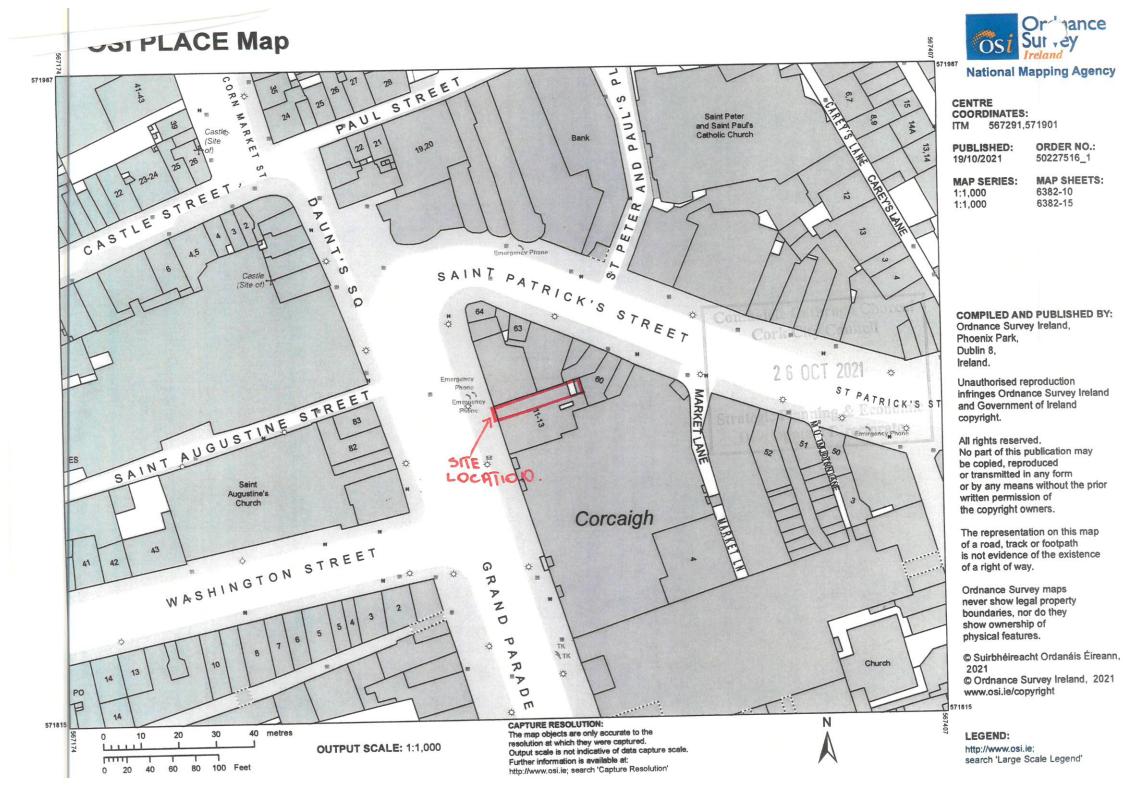
The Development Management Section, Strategic Planning & Economic Development Directorate, Cork City Council, City Hall, Anglesea Street, Cork.

- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations 2001 as amended.

DATA PROTECTION

The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution



TP Number: TP 21/ PP:		Received: ion 5:
Address: 10 Gra	nd faral	
Site History: 63/27390: pg to Repa	lace existing shop to	front @ premses 10 gp.
No. history of Change	of use. Eviden	ce that its Pre 1963 U exemptions.
Enforcement:	theck Co	U exemptions.
Zoning:		
1 City Centre Retail Area: 🗓	2 Commercial Core Area:	3 Inner City Residential N∕hoods: □
4 RSLi: □	5 Light Industry: □	6 General Industry: □
7 B&T: □	8 District Centre:	9 N/hood Centre: □
10 Local Centre: □	11 Retail W/h: □	12 L/scape Prev Zone: □
13 Sports Grounds:	14 Public Open Space	15 Pub Infra & Utilities: □
16 Mixed Use Dev/t: □	17 Quayside Amenity:	18 Schools: □
19 Rivers/water Bodies Protec	tion: 🗆	20 Mixed Use Jacob's Island: □
Cork Metropolitan Area: □	Existing Built Up Area:	Cork Greenbelt : □
Flooding: Flooding Zone A: 📭	/ N/A	Flooding Zone B: 🖪
Seveso Site: Yes□	No: □	
Built Heritage: ,		
Protected Structure: Walth	No.	NIAH: I
ACA: □		Zone Archaeological Potential: 🖫
Special Area Conserv:		SPA: □
Heritage: Area of High L/Scape Value: Protected Trees: □	□ Cyclewa	ay/Walkway: Prop'd/Exist/g:
Pre-Planning: Yes/No Apartment 3	Date: / /2021 Grand Parac	le.

Internal Reports:			
Urban Street & Roads Design (Planning):	/ /202	1: NOG/ NOsC	FI Ref
Contributions: / /2021 €	/NO-C	FI Ref	(74/34)
Traffic & Transport: / /2021: NOG/	NOSC	FI Ref	
Drainage: / /2021: NOG/ NOsC	FI	Ref	
Environment: / /2021: NOG /NOsC	FI	Ref	
Heritage: / /2021: NOG/ NOsC	FI	Ref	No comment
Conservation: / /2021: NOG/ NOsC	FI	Ref	No comment
Archaeology: / /2021: NOG/NOsC	FI	Ref	No comment
Housing: / /2021: NOG/ NOsC	FI	Ref	No comment
Area Engineer: / /2021: NOG/ NOsC	FI	Ref	No comment
External Reports: Irish Water: / /2021: NOsN	FI R	lef	
HSA: / /2021: Does not advise against	the grantin	g of permission.	FI Ref
NRA (TTi): / /2021: NOsC	FI	Ref	
Airport Authority: / /2021: NOsC	FI	Ref	
An Taisce: / /2021: NOsC FI	Re	f	
Fáilte Ireland: / /2021: NOsC	FI F	Ref	
Arts Council: / /2021: NOsC FI	Re	f	
Submissions/Observations			
			in the same of the same
4	2		
Other Ground flat Sesidential	plar	n it s on	other floor it are 1963.
=> Any existiv	g pp Lidena	e that.	it pre 1963.



Cork City Council City Hall Cork

26/10/2021 15:52:28

Receipt No.: LODGE1/0/1166769

JEK ARCHITECTS GRAND PARADE

EXEMPTION CERTS - FEES 58800 80.00
GOODS 80.00
VAT Exempt/Non-vatable
504130

Total:

80.00 EUR

Tendered:

Cheque 504130

80.00

Change:

0.00

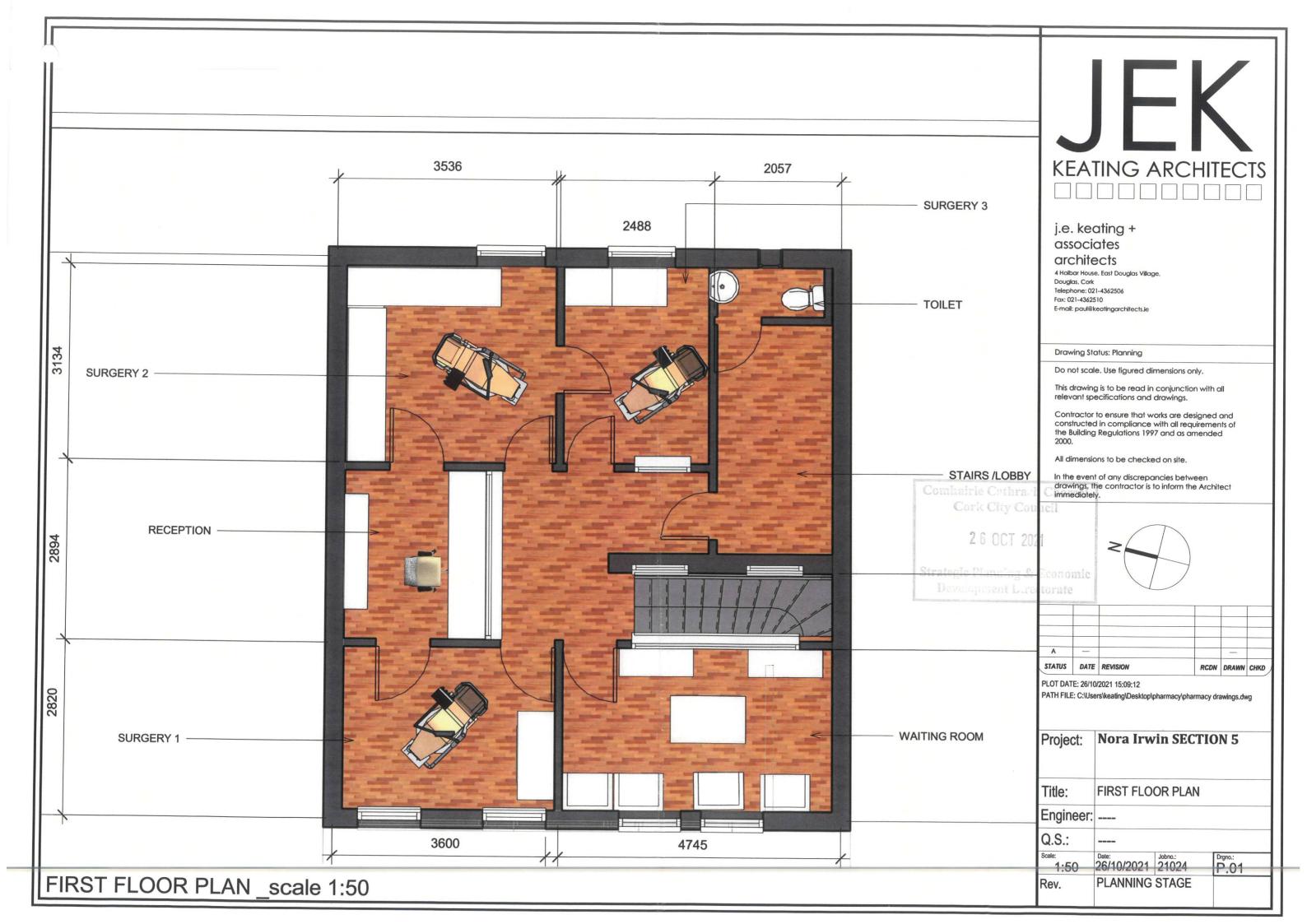
Issued By Llames McCarthy

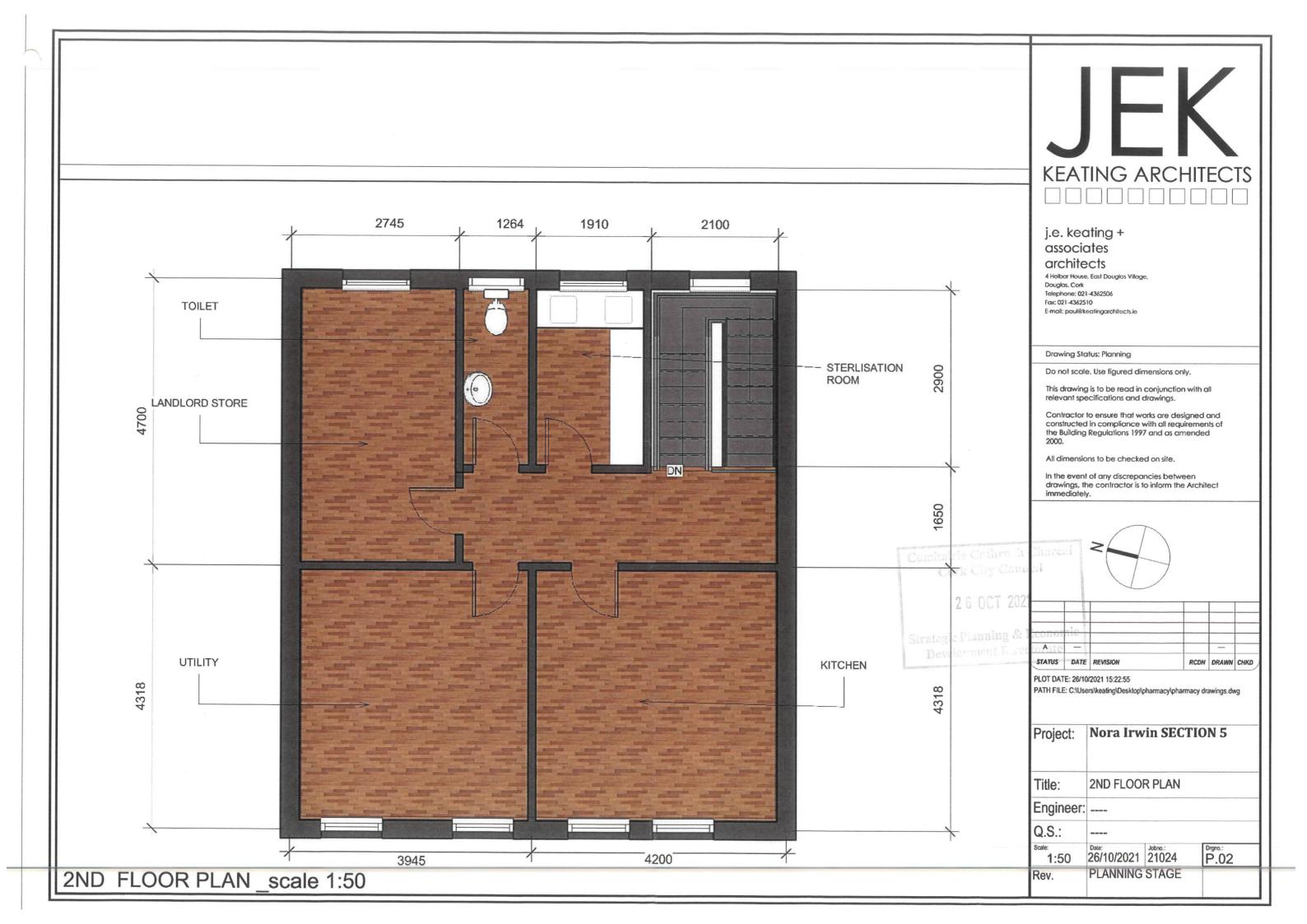
PLANNING DEPARTMENT

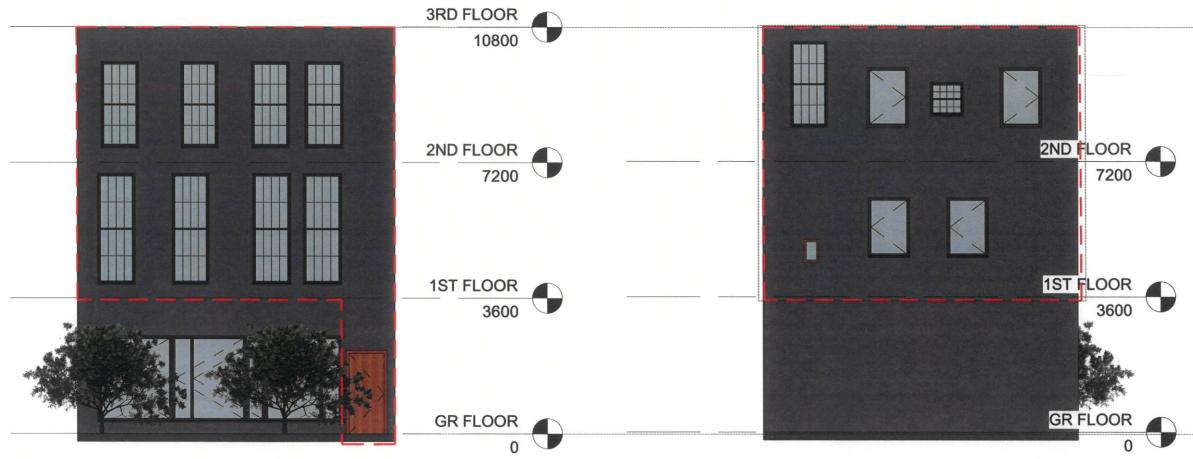
CASHDESK RECEIPT CHECKLIST

Name: JEK	Architecto
Amount: 680	
Description/ Address:(Grand Parade
Business Unit	Description
14110	Copies of Planning Permission
	 Copies of Planning Decisions
	 Copies of Final Grant
TI4110 (Transitions Area)	 General copying
	 Archive Retrieval
	 Microfiche
14114	
Tl4114(Transitions Area)	 Application Fees
(Transitions Area)	
14116	Soction Family 1
TIA14C/T	Section 5 applications (Exemption Certs)
TI4116 (Transitions Area)	Extension of Duration ApplicationsPlanning Searches
	riaming Searciles
14117	 Submissions/Objections on Planning
TI4117(Transitions Area)	Applications
14440	
I4118	 Recouped Enforcement Expenses
TI4118(<i>Transitions Area</i>)	
	 Section 254 Licence fees (Fingerpost
TI4121(Transitions Area)	signs)
TI4122(Transitions Area)	 SHD Fees (Strategic Housing
14124	Developments)
TI4124(Transitions Area)	Planning Bond Letters
14100	
Tl4100(Transitions Area)	 Outdoor Event Licences
Planning Contributions	
TP NO. :	JDE Account NO.:
Amount:	
Signed: John So	mes Date: 7/ 10/9/

Rev. 002_11.9.20







FRONT ELEVATION _scale 1:100

REAR ELEVATION _scale 1:100



j.e. keating + associates architects

4 Holbar House, East Douglas Village, Douglas, Cork Telephone: 021-4362506 Fax: 021-4362510 E-mail: paul@keatingarchitects.ie

Drawing Status: Planning

Do not scale. Use figured dimensions only.

This drawing is to be read in conjunction with all relevant specifications and drawings.

Contractor to ensure that works are designed and constructed in compliance with all requirements of the Building Regulations 1997 and as amended 2000.

All dimensions to be checked on site.

In the event of any discrepancies between drawings, the contractor is to inform the Architect immediately.

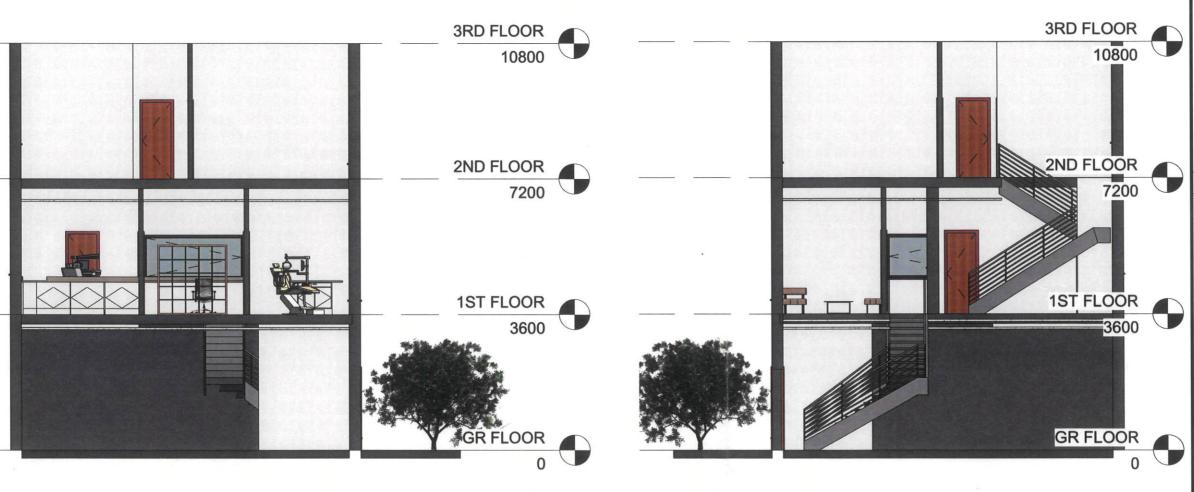
> Combetrie Critera & Caucai Corle Cay Connell 2 8 OCT 2021

Α

PLOT DATE: 26/10/2021 15:09:57

PATH FILE: C:\Users\keating\Desktop\pharmacy\pharmacy drawings.dwg

Project:	Nora Irwin SECTION 5		
Title:	FRONT & REAR ELEVATION		
Engineer:			
Q.S.:	1010000		
Scale: 1:100	Date: 26/10/2021	Jobno.: 21024	Drgno.: P.03
Rev.	PLANNING STAGE		





j.e. keating + associates architects

4 Holbar House, East Douglas Village, Douglas, Cork Telephone: 021-4362506 Fax: 021-4362510 E-mail: paul@keatingarchitects.ie

Drawing Status: Planning

Do not scale. Use figured dimensions only.

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In the event of any discrepancies between drawings, the contractor is to inform the Architect immediately.

2 6 COT 2021

Strate ric relating & Economic

STATUS	DATE	REVISION	RCDN	DRAWN	CHKD
Α	_			_	
			580		
	2	Lavelopment L	"Louis	- 10	

PLOT DATE: 26/10/2021 14:58:09

PATH FILE: C:\Users\keating\Desktop\pharmacy\pharmacy drawings.dwg

Project:	Nora Irwin SECTION 5		
Title:	SECTION		
Engineer:			
Q.S.:			
Scale: 1:100	Date: 26/10/2021	Jobno.: 21024	P.04
Rev.	PLANNING STAGE		