



Comhairle Cathrach Chorcaí Cork City Council

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

Mr. Eamonn Barry,
c/o Kieran Murphy,
10 Kinvara Avenue,
Ballyvolane,
Cork.

24/05/2023

RE: Section 5 Declaration R780/23 71 Blarney Street, Cork

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 27th April 2023, I wish to advise as follows:

The Planning Authority, having regard to:

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended), and
- Articles 10(6) of the Planning and Development Regulations (as amended),

It is considered that the proposed *change of use from shop to apartment at ground floor level* at 71 Blarney Street **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.

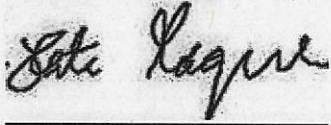
Please note that per Article 10(6)(e) of the Planning and Development Regulations (as amended), the applicant or their agent must notify the planning authority in writing not less than 14 days prior to the commencement of the works related to the proposed change of use and any related works. Please find the notification form enclosed.

Under Section 5(3)(a) of the Planning and Development Act, 2000, you may, on payment of the appropriate fee, refer this declaration for review by An Bord Pleanála within 4 weeks of the date it is issued, 24th May 2023.



We are Cork.

Is mise le meas,



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

PLANNER'S REPORT		Cork City Council Culture, Community and Placemaking
Ref. R780/23		
Application type	Section 5 Declaration	
Description	<i>Is the proposed change of use at 71 Blarney Street, exempted development?</i> Change of use from commercial to residential.	
Location	71 Blarney Street, Cork	
Applicant	Eamonn Barry	
Date	24/05/2023	
Recommendation	<i>Is development and is exempted development.</i>	

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:

Is the proposal as per the drawings enclosed with this document exempt under planning regulation act S.I. No. 30/2018 – Planning and Development (amendment) (no. 2) Regulation 2018. We are proposing a change of use of ground floor commercial to residential use.

The intention of the request is clear, and it is reasonable to consider the question before the planning authority as being;

Is the proposed change of use from shop to apartment at 71 Blarney Street, exempted development.

3. SITE DESCRIPTION

The subject site is located on the southern side of Blarney Street. The building addresses the street and there are two points of access. One into the commercial unit (vacant) at ground floor level and another door which provides access to the residential accommodation at ground and first floor.

4. PLANNING HISTORY

Subject Site

08/33361 – Permission refused for the change of use of a ground floor butchers shop to a book makers, including minor elevational alterations and to construct a first floor extension to existing first floor apartment to the rear of the property.

5. LEGISLATIVE PROVISIONS

5.1 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 or ‘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.

5.2 The Regulations

Article 9 (1)(a)

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

- (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,*
- (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,*
- (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,*

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 –

- (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 development where the existing use is an unauthorised, save where the change of use consists of resumption of a use which is not unauthorised and which has not been abandoned.*

Article 10(6)

(a) In this sub-article—

‘habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

‘relevant period’ means the period from 8 February until 31 December 2025.

- (b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2.*
- (c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—*
 - (i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,*
 - (ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12 and*
 - (iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,*

then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).
- (d) (i) The development is commenced and completed during the relevant period.*
- (ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall*
 - (I) primarily affect the interior of the structure*
 - (II) retain 50 per cent or more of the existing external fabric of the building, and*
 - (III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.*
- (iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.*
- (iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.*
- (v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.*
- (vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.*
- (vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.*

- (viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.
- (ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.
- (x) No development shall relate to any structure in any of the following areas:
- (I) an area to which a special amenity area order relates;
 - (II) an area of special planning control;
 - (III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.
- (xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.
- (xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.
- (e)(i) Where a person proposes to undertake development to which paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works related to the proposed change of use and any related works;
- (ii) Details of each notification under subparagraph (i), which shall include information on—
- (I) the location of the structure,
 - (II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, and
 - (III) the Eircode for the relevant property,
- Shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority’s website.
- (iii) During the years 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026 each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii).

6. ASSESSMENT

The purpose of this report is to assess whether or not the matter in question constitutes development and whether it falls within the scope of exempted development. Matters pertaining to the acceptability of the proposal in respect of the proper planning and sustainable development of the area is not a consideration under section 5.

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’.

In order to ascertain whether or not the subject use is considered to be development as so defined, consideration must first be given to whether any works on, in, over or under land have or will be carried

out, and secondly to whether any material change in the use of any structures or other land have or will take place.

‘Works’ is defined in section 2(1) of the Act as ‘the carrying out of any works on, in, over, or under land’ including ‘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.’

The proposed change of use requires the carrying out of internal works (amendments to the internal layout of the building).

The proposed residential use is not within the same class use as the (previously) established use and would therefore constitute a material change of use.

The proposal constitutes a material change of use and involves the carrying out of works. The proposed change of use therefore constitutes development.

CONCLUSION:

- **Change of use and associated works constitutes development.**

6.2 Exempted development

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

Sufficient information (drawings, schedule of accommodation etc.) has been submitted to allow an assessment of the proposal to be undertaken against the criteria listed in Article 10(6) and this is assessed in detail below.

ARTICLE	REQUIREMENT	ASSESSMENT
10(6)(b)	This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 1	<p>It is stated on the application form that the ground floor was is use as a shop and the existing floor plans submitted indicate that the ground floor was is use as a butcher shop.</p> <p>I am satisfied that the proposal comprises a change of use to residential from Class 1 (shop).</p> <p>It appears that the rear of the ground floor was in use as owners accommodation with the living accommodation (kitchen, dining and living room and WC.) at ground level and bedroom accommodation at first floor level. It is stated in the cover letter submitted that the residential accommodation was in use up until 2022 and has been vacant since. The plans submitted indicate alterations to vacant residential unit including layout changes at ground and first floor level. This would appear to be exempted development under 4(1)(h) but it is outside the scope of this application.</p>

		Based on the information provided the proposed change of use accords with this sub-article.
10(6)(c)(i)	The structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018	The structure was constructed prior to the making of the regulations.
10(6)(c)(ii)	The structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3 or 6	<p>It is stated that the commercial unit was previously in use as a butcher shop.</p> <p>There was a fascia sign above the shop until at least 2019 (based on google street view imagery). The sign indicates that the unit was in use as a shop.</p> <p>I am satisfied that the proposed change of use accords with this sub-article.</p>
10(6)(c)(iii)	The structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development	<p>It is stated in the application form that the unit has been vacant for over 20 years. No information has been submitted to demonstrate same. Google street view indicates that the unit has been vacant since at least 2009.</p> <p>I am satisfied that the proposed change of use accords with this sub-article.</p>
10(6)(d)(i)	The development is commenced and completed during the relevant period.	The applicant is required to comply with this requirement.
10(6)(d)(ii)	Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall – (I) primarily affect only the interior of the structure, (II) retain 50 per cent or more of the existing external fabric of the building, (III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.	<p>A review of the existing and proposed floor plans indicates that minimal works are required.</p> <p>At ground floor level the works consist primarily of the provision of partitions internally. Some minor layout changes are proposed at first floor level (relocation of bathroom and bedroom etc.) but this is outside the scope of the question being asked in this instance.</p> <p>The changes to the external fabric include the removal of the existing door/ shop front window and the provision of new openings to accommodate new doors and window. New uPVC sliding doors with side panel glazing are proposed on the rear elevation in lieu of the existing large window.</p> <p>I am satisfied that the proposed external works do not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.</p>

10(6)(d)(iii)	Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures	As outlined in 10(6)(d)(ii) above, the existing shopfront is to be removed and replaced by new openings to provide for a new door and windows. The proposed replacement door and windows are residential in character. I am of the view that the alterations are consistent with the fenestration details and architectural and streetscape character of the remainder of the structure and of neighbouring structures. I am satisfied that the proposed change of use accords with this sub-article.
10(6)(d)(iv)	No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.	The subject site is zoned ZO 1 – Sustainable Residential Neighbourhoods. Residential development is acceptable within this zoning. The proposed change of use accords with this sub-article.
10(6)(d)(v)	No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.	The proposed change of use accords with this sub-article.
10(6)(d)(vi)	Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.	Please see separate assessment below.
10(6)(d)(vii)	Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.	The proposed change of use accords with this sub-article.
10(6)(d)(viii)	No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the	The site is not a protected structure. The proposed change of use accords with this sub-article.

	character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.	
10(6)(d)(ix)	No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.	<p>Permission was refused under planning reg. 08/33361 for the change of use of a ground floor butchers shop to a bookmakers, including minor elevational alterations and to construct a first floor extension to existing first floor apartment to the rear of the property.</p> <p>There is no other planning history pertaining to the subject site.</p> <p>The proposed change of use accords with this sub-article.</p>
10(6)(d)(x)	No development shall relate to any structure in any of the following areas: (I) an area to which a special amenity area order relates; (II) an area of special planning control; (III) within the relevant perimeter distance area, as set out in Table 2, of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.	The proposed change of use accords with this sub-article.
10(6)(d)(xi)	No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.	The proposed change of use accords with this sub-article.
10(6)(d)(xii)	No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.	N/A

The proposed apartment is assessed below against the requirements of the Apartment Guidelines.

Minimum Overall Apartment Floor Area

Two-bed (3 person) apt	Proposed
65m ²	65.26m ²

Min. aggregate floor area for living/ dining/ kitchen rooms and min. widths for the main living/ dining room

Apt type***	Min. required living room width	Min. required aggregate floor area of living/ kitchen/ dining area	Proposed
2-bed (3 person)	3.6m	28m ²	3.7m + 29m ²

Min. bedroom floor areas/ widths

	Min. Required Width	Min. Required Floor Area	Proposed
Single Bedroom	2.1m	7.1m ²	2.3m + 8m ² - (Bedroom 2)
Double bedroom	2.8m	11.4m ²	2.4m + 12m ² - (Bedroom 1)

Minimum aggregate bedroom floor area

	Min. area (m ²)	Proposed
2-bed (3 person)	13m ² + 7.1m ² = 20.1m ²	12m ² + 8m ² = 20m ²

Min. storage space requirements

	Min. required	Proposed
2-bed (3 person)	5m ²	1.12m ²

Compliance with Apartment Standards

The proposed apartment complies with the minimum floor area requirements as set out in Appendix 1 of the Apartment Guidelines. The width of the double bedroom does not comply with the minimum width set out in the Apartment Guidelines, but Article 10(6)(d)(vi) refers specifically to the minimum floor area requirements and not room widths.

The level of internal allocated storage proposed (1.12m²) falls below the minimum requirement (5m²) for a 2-bed 3-person unit as set out in Appendix A of the Apartment Guidelines. There is some flexibility having regard to section 3.34 of the Apartment Guidelines which states that ‘for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, the storage requirement may be relaxed in part, on a case-by-case basis, subject to overall design quality.’ In any event, there would appear to be ample space within the proposed unit to provide the required level of storage.

CONCLUSION:

- Is exempted development.

7. ENVIRONMENTAL ASSESSMENT**7.1 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.

7.2 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

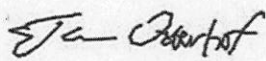
development would not affect the integrity of the European sites referred to above. Accordingly it is considered that appropriate assessment is not required.

8. RECOMMENDATION

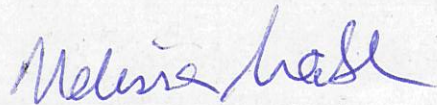
In view of the above and having regard to –

- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended), and
- Articles 10(6) of the Planning and Development Regulations (as amended),

It is considered that the proposed *change of use from shop to apartment at ground floor level* at 71 Blarney Street **Is Development and Is Exempted Development.**



Jan Oosterhof
A/ Executive Planner
22/05/2023



Melissa Walsh
Senior Executive Planner
22/05/2023

19th April 2023

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



Re: **Proposed Section 5 Declaration application for Mr. Eamonn Barry at 71, Blarney Street, Cork City**

Dear Sir/Madam

In relation to the above subject, please find enclosed herewith all relevant document with respect to this application.

A previous application has been made for this property, R741/22. This application was refused due to a lack of information given to the City Council and with the apartments not complying with 'Sustainable Urban Housing: Design Standards for New Apartments'

We are now applying for a section 5 Declaration for this property under planning regulation act S.I. No.30/2018 - Planning and Development (amendment) (no.2) Regulation 2018.

As shown on drawing number EB-0003 (Rev B) – Existing Floor Plans; The butcher shop, store & sitting room as indicated, was in use up till the late 80's / early 90's. The remaining living areas including the 1st floor was in use up till 2002. Between the time the butcher store ceased trading and while the owner remained living within the property, the property was essentially split in two as the door leading from corridor to store at ground level was blocked up.

In short, this property has been completely vacant since 2002.

Under planning regulation act S.I. No.30/2018 - Planning and Development (amendment) (no.2) Regulation 2018 we believe that changing the use of the ground floor commercial element to residential use is exempt.

In relation to the apartments complying with 'Sustainable Urban Housing: Design Standards for New Apartments' as dedicated on drawing number EB-0002 (Rev B) – Proposed Floor Plans; after amendments to drawings are now complying with the required areas.

Apartment A is a 3 Bed (5 person apartment) and has an overall floor area of 99.81m² - Sustainable Urban Housing: Design Standards for New Apartments' requires 90m²

Apartment A – Bedroom 1 (1 Person use) Area 11.80m² (07.1m² required)

Apartment A – Bedroom 2 (2 Person use) Area 13.10m² (11.4m² required)

Apartment A – Bedroom 3 (2 Person use) Area 12.70m² (11.4m² required)

Apartment A – Min. aggregate floor area (3 bedroom) Area 31m² (34m² required)

In relation to the above shortage of aggregate Living floor area of 3m², this shortage of area is within the existing residential premises of the property. No extension or extra floor area is being proposed, as we comply with the overall floor area and bedroom areas of apartment A, we hope that the council see this as acceptable.

Apartment B is a 2 Bed (3 person apartment) and has an overall floor area of 65.26m² - *Sustainable Urban Housing: Design Standards for New Apartments* requires 63m²


Apartment B – Bedroom 1 (2 Person use) Area 12.00m² (11.4m² required)

Apartment B – Bedroom 2 (2 Person use) Area 08.00m² (07.1m² required)

Apartment B – Min. aggregate floor area (3 bedroom) Area 29m² (28m² required)

Taking all the above into consideration I hope that the Council has enough information to make a favourable decision but should you need any further information or should you need to inspect the premises you might contact me using the details below.

Yours sincerely,



Kieran Murphy on behalf of Eamonn Barry

0877949195

kieranmurphy00@gmail.com

COMHAIRLE CATHRACH CHORCAÍ CORK CITY COUNCIL

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

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

Fón/Tel: 021-4924709

Líonra/Web: www.corkcity.ie

SECTION 5 DECLARATION APPLICATION FORM under Section 5 of the Planning & Development Acts 2000 (as amended)

1. NAME OF PERSON MAKING THE REQUEST

Mr Eamonn Barry

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

71 Blarney Street, Cork

3. 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 and described under this section will be assessed under the section 5 declaration.

Is the proposal as per the drawings enclosed with this document exempt under planning regulation act S.I. No.30/2018 - Planning and Development (amendment) (no.2) Regulation 2018

We are proposing a change of use of ground floor commercial to residential use.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

The commercial unit was used as a butcher shop up until the late 80's/early 90's. This commercial unit has been vacant since.

The remaining property has been used as a residential unit up till 2002.

This property has been vacant since 2002



4. Are you aware of any enforcement proceedings connected to this site?

If so please supply details:

No

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

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority?

6. Was there previous relevant planning application/s on this site?

If so please supply details:

No Planning Application – Previous Section 5 Application R741/22

7. APPLICATION DETAILS

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

(a) Floor area of existing/proposed structure/s	Apartment A = 99.81m2 Apartment B = 65.26m2
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas. (sq m) <p style="text-align: center;">N/A</p>
(c) If concerning a change of use of land and / or building(s), please state the following:	
previous use (please circle)	Proposed use (please circle)
Commerical Use	Apartment B = Residential Use

7. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner ✓	B. Other
Where legal interest is 'Other', please state your interest in the land/structure in question	N/A	

If you are not the legal owner, please state the name of the owner if available

N/A

8. I / We confirm that the information contained in the application is true and accurate:

Signature: James Boy

Date: _____

CONFIDENTIAL CONFIDENTIAL

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

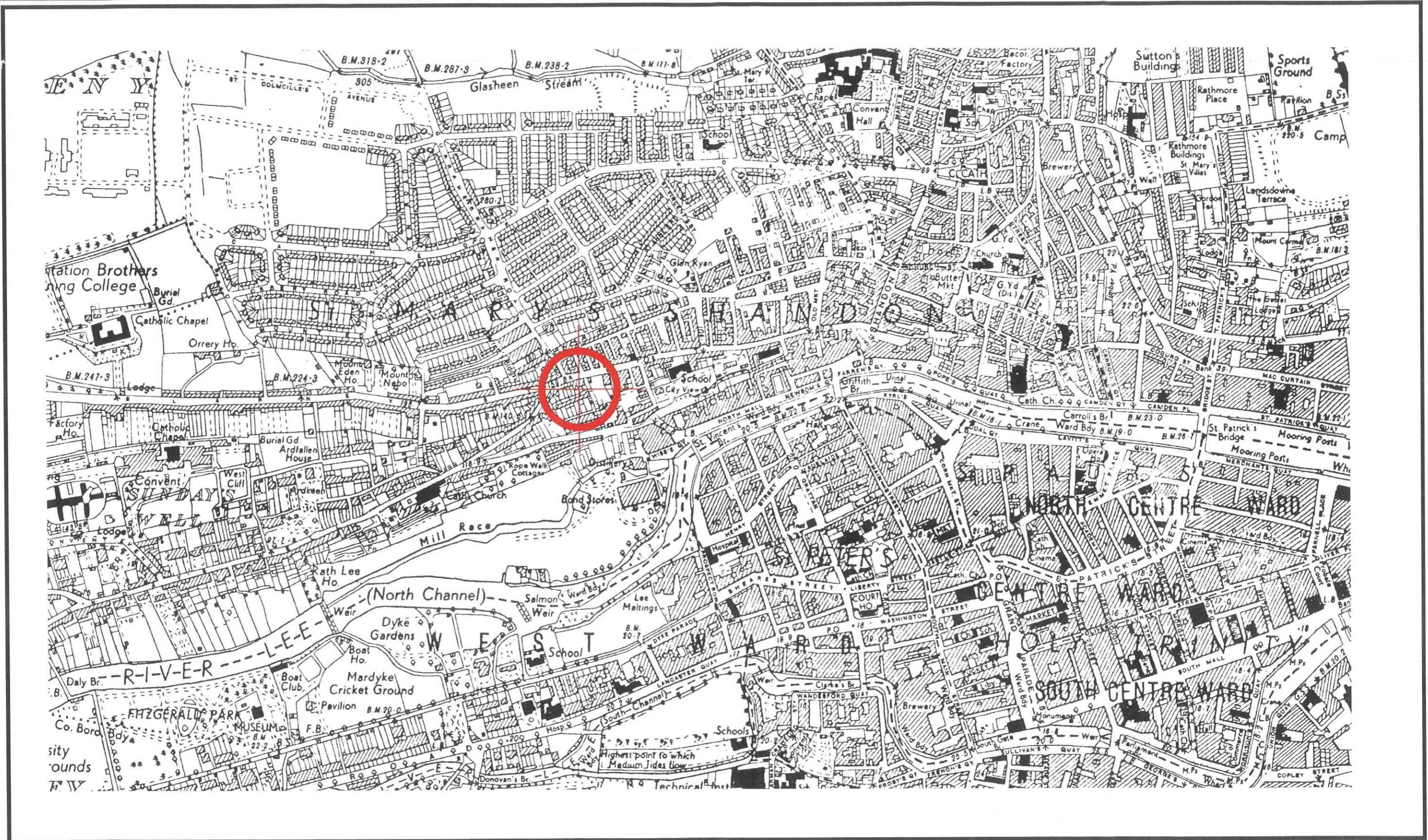
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks 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 of information 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 protection policy is available at <https://www.corkcity.ie/en/council-services/public-info/gdpr/>.

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



6" Location Map

Scale 1:10560



CLIENT:

Eamon Barry, 71 Blarney Street, Cork.



SCALE 1:1000

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Rev.	AMENDMENT DESCRIPTION	DATE
A	Issued for Information	19/04/23

6" Location Map 1/10560

SCALE 1/1000

Size A3

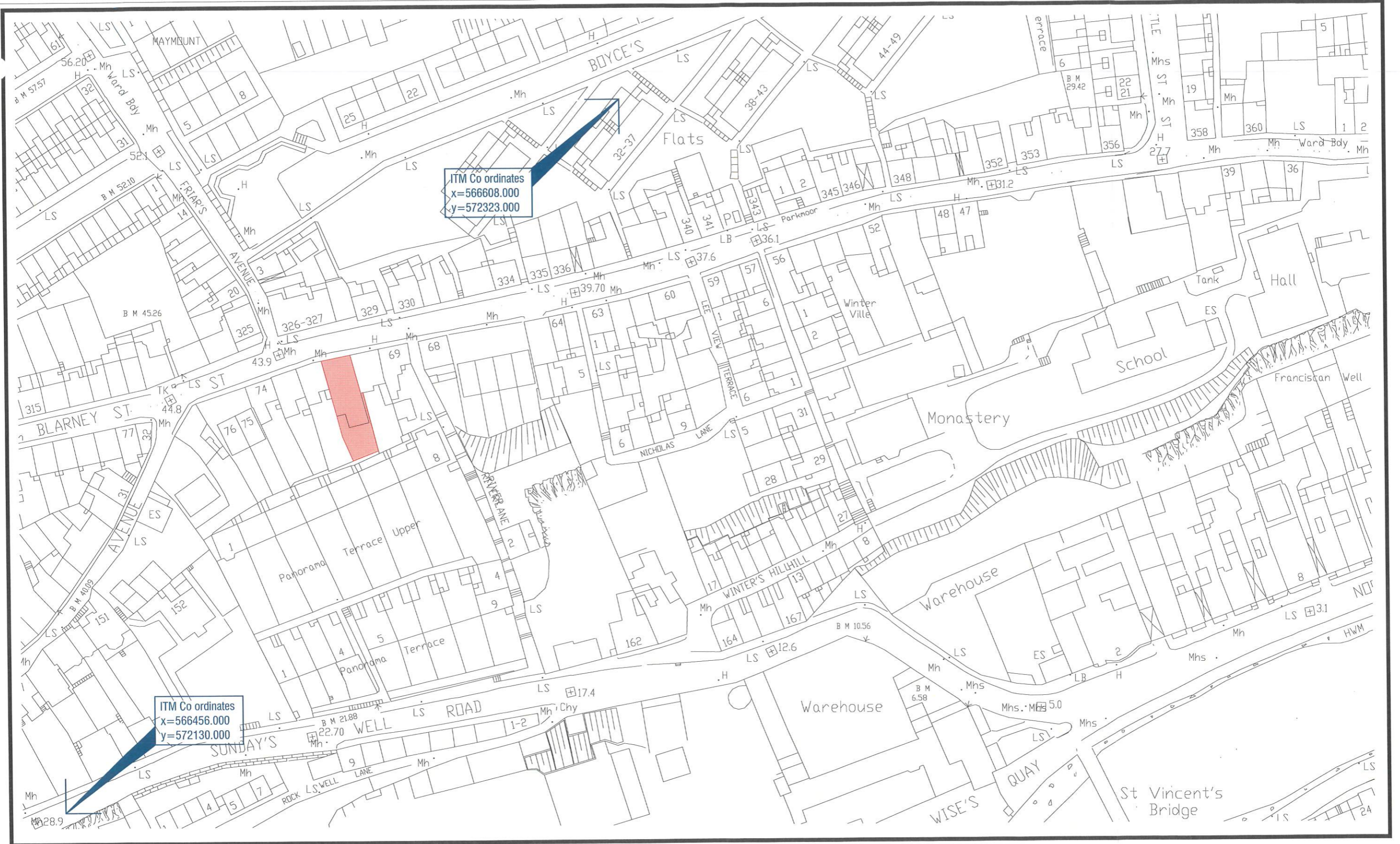
JOB-DRAWING No.

REVISION

DRAWN K.M.

EB-0001A

(A)



Site Location Map



Scale 1:1000

CLIENT: **Eamon Barry, 71 Blarney Street, Cork.**



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Site Location Map 1/1000

SCALE 1/1000
DRAWN K.M.

JOB-DRAWING No. **EB-0001B** REVISION **(A)**



Proposed Site Layout



Scale 1:200

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Proposed Site Layout

SCALE 1/200
DRAWN K.M.

JOB-DRAWING No. **EB-0001C** REVISION **(A)**



Proposed Ground Floor

Scale 1:100



Proposed First Floor

Scale 1:100



Required Minimum Floor Areas and Standards

Minimum overall apartment floor areas

Studio	37 sq m (n/a)*
One bedroom	45 sq m (38 sq m)*
Two bedrooms (3 person)**	63 sq m (n/a)*
Two bedrooms (4 person)	73 sq m (53 sq m)*
Three bedrooms	90 sq m (70 sq m)*

* Figures in brackets refer to 1995 guidelines
** Permissible in limited circumstances

Minimum aggregate floor areas for living/dining/kitchen rooms, and minimum widths for the main living/dining rooms

Apartment type**	Width of living/dining room	Aggregate floor area of living / dining / kitchen area*
Studio	4m**	30 sq m**
One bedroom	3.3 m	23 sq m
Two bedrooms (3 person)	3.6m	28 sq m
Two bedrooms (4 person)	3.6 m	30 sq m
Three bedrooms	3.8 m	34 sq m

* Note: An enclosed (separate) kitchen should have a minimum floor area of 6.5 sq. metres
** Note: Combined living/dining/bedspace, also includes circulation
*** Note: Variation of up to 5% can be applied to room areas and widths subject to overall compliance with required minimum overall apartment floor areas.

Minimum bedroom floor areas/widths***

Type	Minimum width	Minimum floor area
Studio	4m**	30 sq m**
Single bedroom	2.1 m	7.1 sq m
Double bedroom	2.8 m	11.4 sq m
Twin bedroom	2.8 m	13 sq m

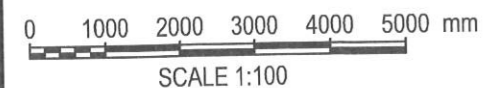
* Note: Minimum floor areas exclude built-in storage presses that are contributing to storage space requirements
** Note: Combined living/dining/bedspace

**Sustainable Urban Housing:
Design standards for new apartments**

Required minimum floor areas and standards

TOTAL FLOOR AREAS:
 Apartment A = 99.81m²
 Apartment B = 65.26m²

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Proposed Floor Plans

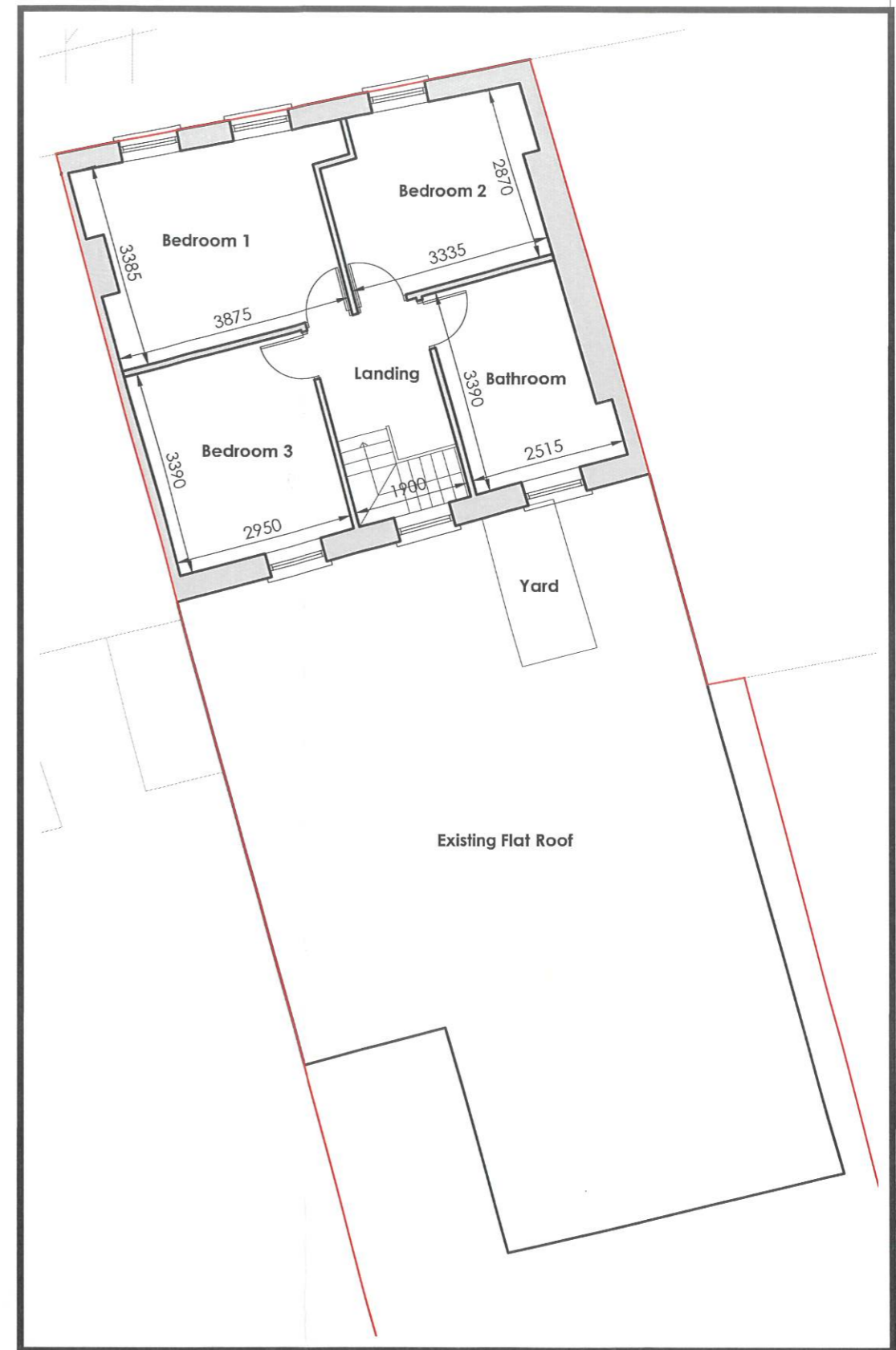
SCALE 1/100
DRAWN K.M.

JOB-DRAWING No.

EB-0002

REVISION

(B)



Existing Site Layout



Scale 1:250

Existing Ground Floor



Scale 1:100

Existing First Floor



Scale 1:100

CLIENT: **Eamon Barry, 71 Blarney Street, Cork.**



Rev.	AMENDMENT DESCRIPTION	DATE
A	Issued for Information	24/06/22
B	Issued for Information	19/04/23

Existing Site Plan
Existing Floor Plans

SCALE 1/250-&-1/100

DRAWN K.M.

JOB-DRAWING No.

EB-0003

REVISION

(B)



Pro.Front Elevation
Scale :1 :100

Existing windows to be serviced & upgraded where necessary.

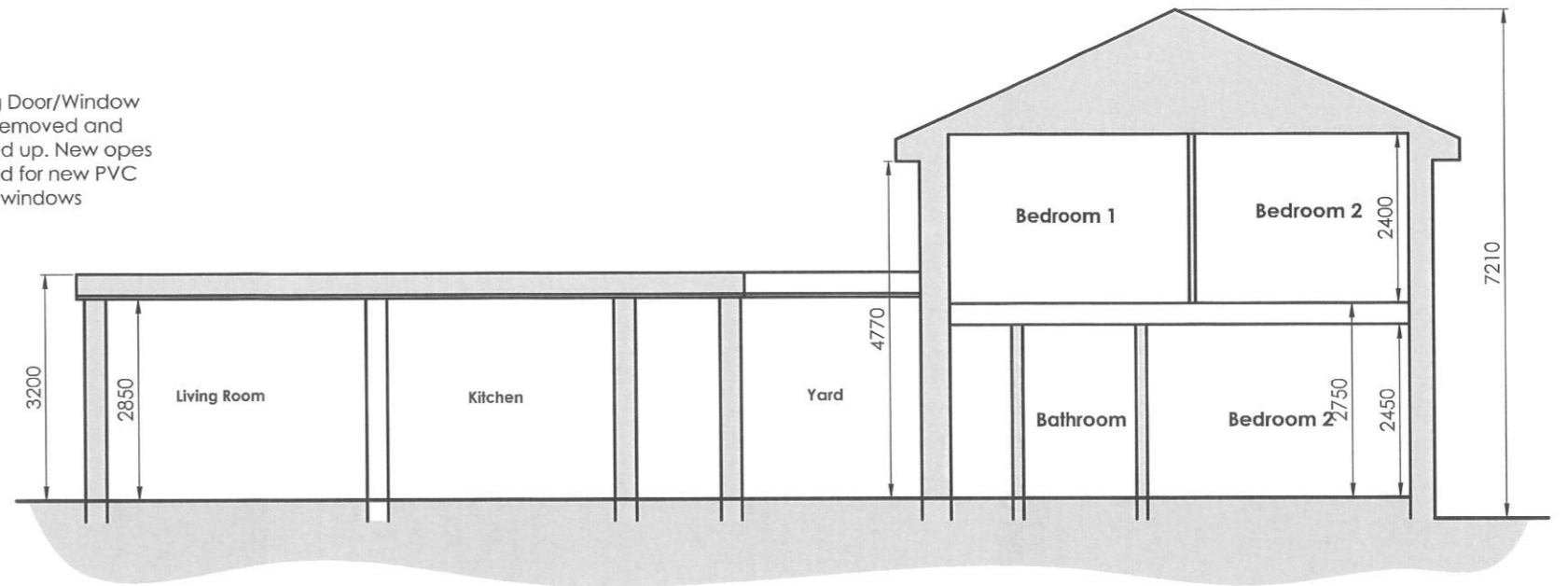
Existing Door/Window to be removed and blocked up. New ones created for new PVC door / windows



Pro. Rear Elevation
Scale :1 :100

Existing windows to be serviced & upgraded where necessary.

New PVC sliding door with side panel glazing



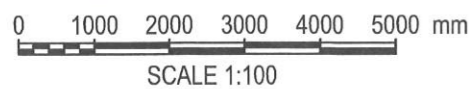
Pro.Section
Scale :1 :100

	60 min Fire Resisting Construction
	30 min Fire Resisting Construction

Proposed Elevations / Sections

Scale 1:100

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Proposed Elevations
Proposed Section

SCALE 1/100
DRAWN K.M.

JOB-DRAWING No.

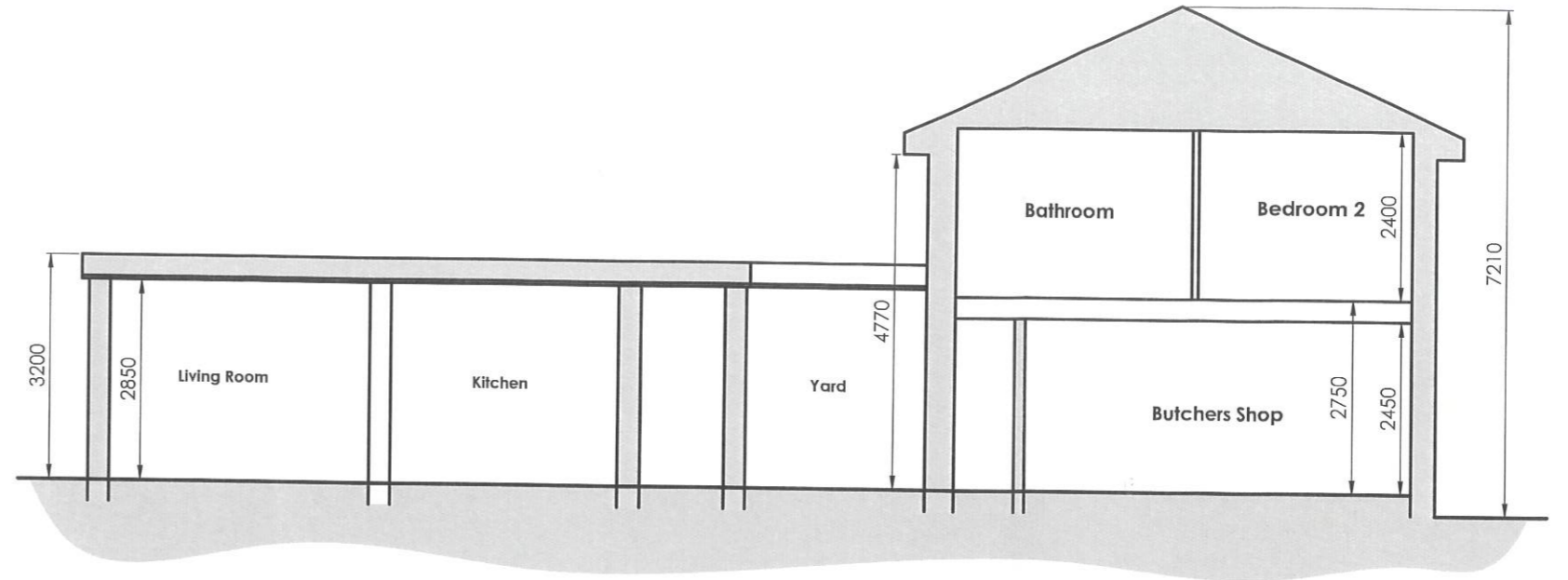
EB-0004

REVISION

(B)



ex.Front Elevation
Scale :1 :100



ex.Section
Scale :1 :100



ex.Rear Elevation
Scale :1 :100



ex.Front Image

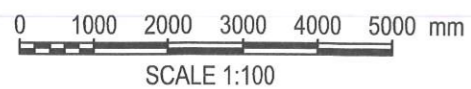


ex.Rear Image

Existing Elevations / Sections / Images

Scale 1:100

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Existing Elevations
Existing Section

SCALE 1/100

DRAWN K.M.

JOB-DRAWING No.

EB-0005

REVISION

B