



# Comhairle Cathrach Chorcaí Cork City Council

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

Clare Murray,  
c/o Orla Redmond,  
DL Group Consulting Engineers,  
No. 1 Hodders Villas,  
Ballincollig,  
Cork.

02/10/2023

**RE: Section 5 Declaration R800/23 Ferryboat House, No. 1 Lower  
Glanmire Road, Cork T23 C672.**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 06<sup>th</sup> September 2023, I wish to advise as follows:

In view of the above and having regard to:

- The particulars received by the Planning Authority on 06/09/2023, and
- The provisions of Schedule 2 Part 1 and Part 4 of the Planning and Development Regulations 2001(as amended),

The Planning Authority considers that –

*the change of use of existing office to residential accommodation* at Ferryboat House, No. 1 Lower Glanmire Road, Cork **IS DEVELOPMENT and IS NOT EXEMPTED DEVELOPMENT.**

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, 02<sup>nd</sup> October 2023.



**We are Cork.**

Is mise le meas,



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

## SECTION 5 DECLARATION – PLANNER’S REPORT

<b>File Reference:</b>	<b>R800/23</b>
<b>Description:</b>	Whether the change of use of office to residential accommodation is or is not exempted development?
<b>Applicant:</b>	Clare Murray
<b>Location:</b>	Ferryboat House, 1 Lower Glanmire Road, Cork
<b>Site inspection:</b>	29/09/2023

### **Purpose of Report**

Under Section 5 of the Planning and Development Act, 2000 (as amended), if any question arises as to what, in any particular case, is or is not development and is or is not exempted development within the meaning of the 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.

### **Site Location**

The site is located at Ferryboat House, 1 Lower Glanmire Road,, Cork. This is a long established inner city area of Cork City with a mixture of mainly residential buildings and businesses located along this public street. The site is located on the edge of the river Lee located to the south.

### **The Question before the Planning Authority**

Change of use of existing offices to residential accommodation

### **Land Use Zoning**

#### Cork City Development Plan 2022-2028

The site is situated on land zoned ZO 02, New Residential Neighbourhoods with the zoning objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

### **Planning History**

18/38010

Permission GRANTED for a change of use from existing office to single apartment at ground floor level of No. 1 Lower Glanmire Road ('Ferryboat House'), Cork with associate site works, elevational alterations and internal renovations.

01/25214

Permission GRANTED for change of use from licensed premises to mixed use consisting of an employment agency/computer software on ground floor

### **Planning legislation**

#### Planning and Development Act, 2000 as amended

*Section 2(1),*

*“exempted development” has the meaning specified in section 4.*

*“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(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, as amended.

**Section 4(3),**

A reference in this Act to exempted development shall be construed as a reference to development which is—

- (a) any of the developments specified in subsection (1), or
- (b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

**Planning and Development Regulations, 2001 as amended**

**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 sets out restrictions on exemptions specified under article 6.

Article 9(1) of the Regulations sets out circumstances in which development to which Article 6 relates shall not be exempted development, including (a) if the carrying out of such development would:-

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—  
(a) if the carrying out of such development would—

(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,

**Development**

The first issue for consideration is whether or not the matter at hand is 'development', which is defined in the Act as comprising two chief components: 'works' and / or 'any material change in the use of any structures or other land'.

As noted above Section 3 (1) of the Planning and Development Act states that: 'development' means, *except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.*

The construction of the proposed change of use and the proposed external modifications clearly constitutes 'works', which is defined in section 2(1) of the Act as including 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'.

As the proposal comprises 'works', it is clearly therefore 'development' within the meaning of the Act.

### CONCLUSION — is development

#### **Assessment of Exempted Development**

The next issue for consideration is whether or not the proposal is exempted development.

The applicant has submitted existing and proposed floor plans and elevations setting out the proposed change of use from an office to a residential use at the ground floor of an existing building. The submitted drawings also show that a certain amount of external works are proposed on two separate elevations of the existing building namely the northern and the eastern elevation of the building.

It is considered that there is no Class of change of use as set out in Schedule 2 Part 1 and Part 4 of the Planning and Development Regulations, 2001 as amended for this change of use. The existing building at ground floor level is used as an office and there is no Class of exemption that relates to the change of use from the current office use to residential use. It is noted that permission was granted previously to change the use of the ground floor level from that of a public house to use as an office. Planning permission was subsequently granted for the change of use from office use to residential use however this development was never carried out by the applicant it would seem.

While the site, according to current flood risk maps, does not appear to be located directly within a mapped flood risk zone it is located directly adjacent to a mapped flood risk zone and the river Lee channel is located directly adjacent to the site. The proposed change of use to residential use would be a vulnerable use were it to be impacted as a result of flooding it is considered.

#### **Environmental Assessment & Restrictions on Exemption**

A number of restrictions on exemption are set out in Section 4(4) of the Act and Article 9 of the Regulations.

Having regard to the contents of Article 103 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 environmental impact assessment is not required.

The applicant has not submitted an appropriate assessment screening report. 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 these European sites. Accordingly, it is considered that appropriate assessment is not required.

#### **Recommendation**

From the details submitted it is considered that the proposed development and works do not fall under any Class of exemption as set out under Schedule 2 Part 1 and Part 4 of the Planning and Development Regulations, 2001 as amended. Therefore, the proposed change of use from an office to residential use is not considered to be exempt development.

Having regard to:

- The particulars received by the Planning Authority on 06/09/23
- The provisions of Schedule 2 Part 1 and Part 4 of the Planning and Development Regulations, 2001 (as amended)

the Planning Authority considers that –

the change of use of existing office to residential accommodation – **IS DEVELOPMENT** and **IS NOT EXEMPTED DEVELOPMENT**.

Tadhg Hartnett  
A/Senior Executive Planner  
Planning Department  
Community Culture & Placemaking Directorate  
2<sup>nd</sup> October 2023



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Ballincollig  
Co. Cork

Tel: 021 4876650 /  
021 4877149  
Fax: 021 4876651

Email: [info@dlgroup.ie](mailto:info@dlgroup.ie)  
Web: [www.dlgroup.ie](http://www.dlgroup.ie)

Our Ref: 22723/C

Your Ref:

Date: 05.9.23

**The Planning Department,  
Cork City Council,  
City Hall,  
Cork.**

**Section 5 Declaration Application Form for Ferryboat House, 1 Lower Glanmire Road, Cork.  
Applicant: Clare Murray**

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On behalf of our client, we submit this Section 5 Declaration application for the above property. Our client had been granted Change of Use from office use to residential to convert the downstairs office of the property to a 1 no. bedroom (2 person) apartment (Planning Reference: 18/38010). This application has since expired, and our client wishes to submit this Section 5 application to ask if the change of use from office use to residential use would be considered exempted. The same apartment layout will be used for converting the ground floor office into the 1 no. bedroom (2 person).

The following documents and drawings are enclosed:

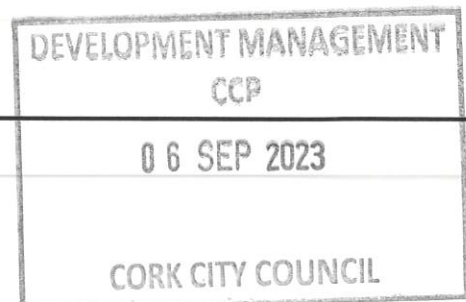
- Application Form
- Application Fee (cheque €80.00)
- Drawings
  1. Existing and Proposed Ground Floor Plan No's: 2 Scale: 1:100
  2. Existing Elevations and Section No's: 2 Scale: 1:100
  3. Proposed Elevations and Section No's: 2 Scale: 1:100
  4. Site Layout No's: 2 Scale: 1:250
  5. Site Location Map No's: 2 Scale: 1:1000

If you have any questions regarding the above, please do not hesitate to contact me.

Yours sincerely,

*Orla Redmond*

**Orla Redmond MPlan MIPI MRTPI**



Directors: Tim O' Leary BSc(Eng), C.Eng, M.I.E.I. Chris Donovan BSc(Eng), MSc(Eng), C.Eng, F.I.E.I.  
Donlea Consulting Engineers Ltd., trading as D.L. Group is regulated by the Central Bank of Ireland.

Registered Office: 1, Hodders Villas, Ballincollig, Co. Cork.  
Registered No.: 65403

**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](mailto:planning@corkcity.ie)  
Fón/Tel: 021-4924564/4321  
Líonra/Web: [www.corkcity.ie](http://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**

Ferryboat House, No.1 Lower Glanmine Road, Cork, T23C672

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

Is Change of use from office to apartment considered exempted development?

**ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:**  
*(Use additional sheets if required).*

Change of use from office use to apartment was granted under 19/38010, but it has since expired.



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

If so please supply details:

4. 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?

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

If so please supply details:

18/38018

### 6. 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	Proposed = 68.8 m <sup>2</sup>
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> 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)
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/previous use (please circle)	Proposed/existing use (please circle)
Office	Residential.

### 7. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):	Clare Murray	
Applicants Address	[REDACTED]	
Person/Agent acting on behalf of the Applicant (if any):	Name:	Orla Redmond
	Address:	DL GROUP CONSULTING ENGINEERS, NO. 1 HODDERS VILLAS, BALLINCOLLIG, CORK
	Telephone:	021 4876650
	Fax:	
	E-mail address:	[REDACTED]
Should all correspondence be sent to the above address? (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

[REDACTED]

[REDACTED]

## 5. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question		
If you are not the legal owner, please state the name and address of the owner if available		

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

Signature: Orla Redmond (Agent)

Date: 1/9/2023

### **ADVISORY NOTES:**

<p>The application must be accompanied by the required fee of €80</p> <p>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.</p> <p>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.</p> <p><i>The application should be sent to the following address:</i></p> <p style="text-align: center;"><b>The Development Management Section, Community, Culture &amp; Placemaking Directorate, Cork City Council, City Hall, Anglesea Street, Cork.</b></p>
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- 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.

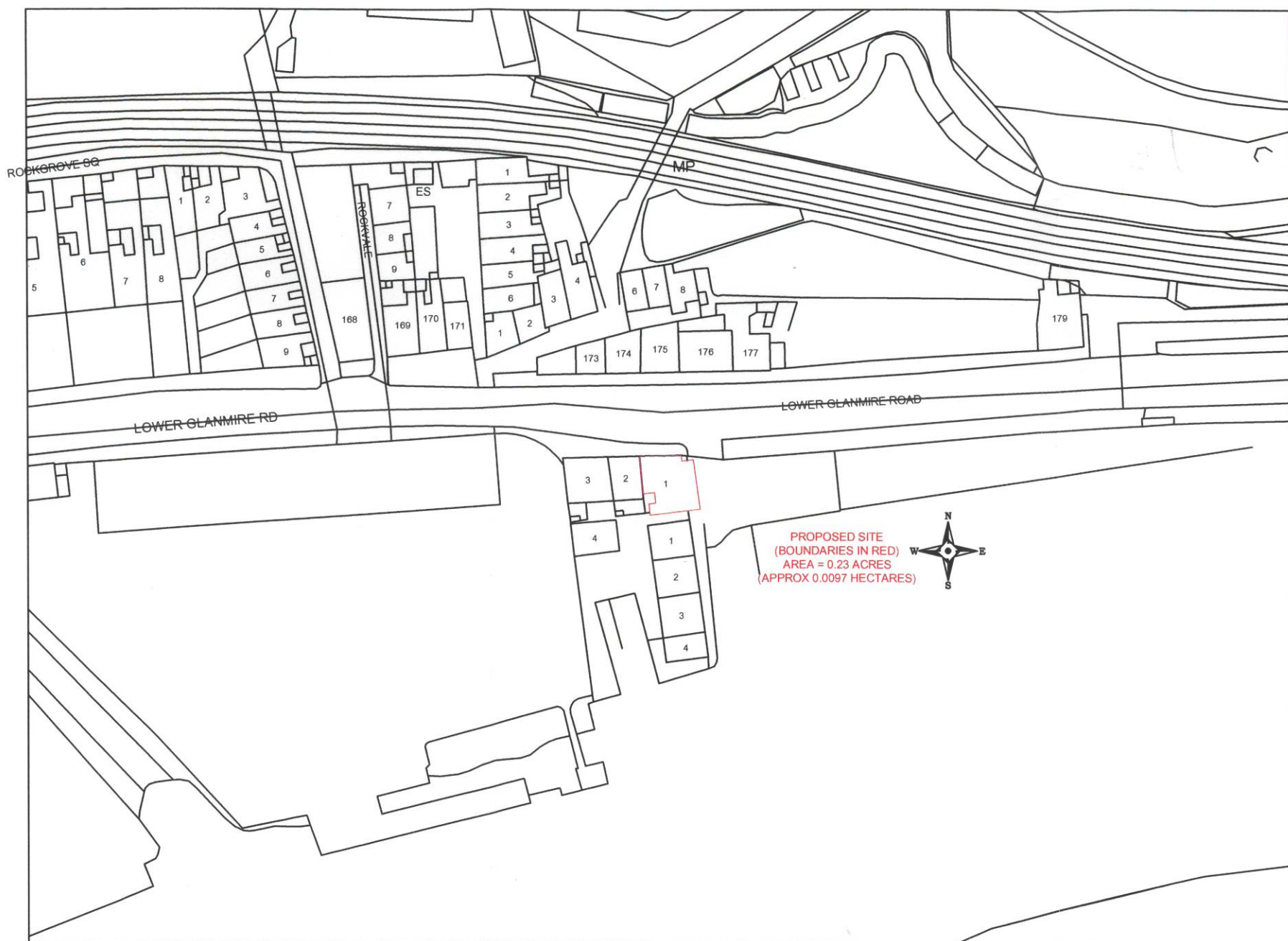
*The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation 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**

**"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/ador/>.**

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

NOTES:



Description:  
Digital Landscape Model (DLM)

Publisher / Source:  
Ordnance Survey Ireland (OSI)

Data Source / Reference:  
PRIME2

File Format:  
Autodesk AutoCAD (DWG\_R2013)

File Name:  
v\_50354849\_1.dwg

Clip Extent / Area of Interest (AOI):  
LLX,LLY= 569135.42,572299.61  
LRX,LRX= 569368.42,572299.61  
ULX,ULY= 569135.42,572471.61  
URX,URY= 569368.42,572471.61

Projection / Spatial Reference:  
Projection= IREN95\_Irish\_Transverse\_Mercator

Centre Point Coordinates:  
X,Y= 569251.92,572385.61

Reference Index:  
Map Series | Map Sheets  
1:1,000 | 6383-02  
1:1,000 | 6383-07

Data Extraction Date:  
Date= 01-Sep-2023

Source Data Release:  
DCMLS Release V1.167.116

Product Version:  
Version= 1.4

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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.

For Section 5	B	05.8.23	OR
For Approval	A	31.8.23	OR
Revision	Issue	Date	By

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**DL GROUP**  
CONSULTANTS

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Ballincollig  
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fax: (021) 4876651  
e-mail: info@dlgroup.ie

Client:  
Clare Murray

Project:  
The Ferryboat, 1 Lower Glanmire Road, Cork

Drawing:  
Site Location Map

job no.	drawing no.	date
22723/C	05	31.8.23

scale	drawn by	checked by	drawing type
1:1000	OR	CD	A3





PROPOSED SITE  
 (BOUNDARIES IN RED)  
 AREA = 0.23 ACRES  
 (APPROX 0.0097 HECTARES)

NOTES:

For Section 5	B	05.8.23	OR
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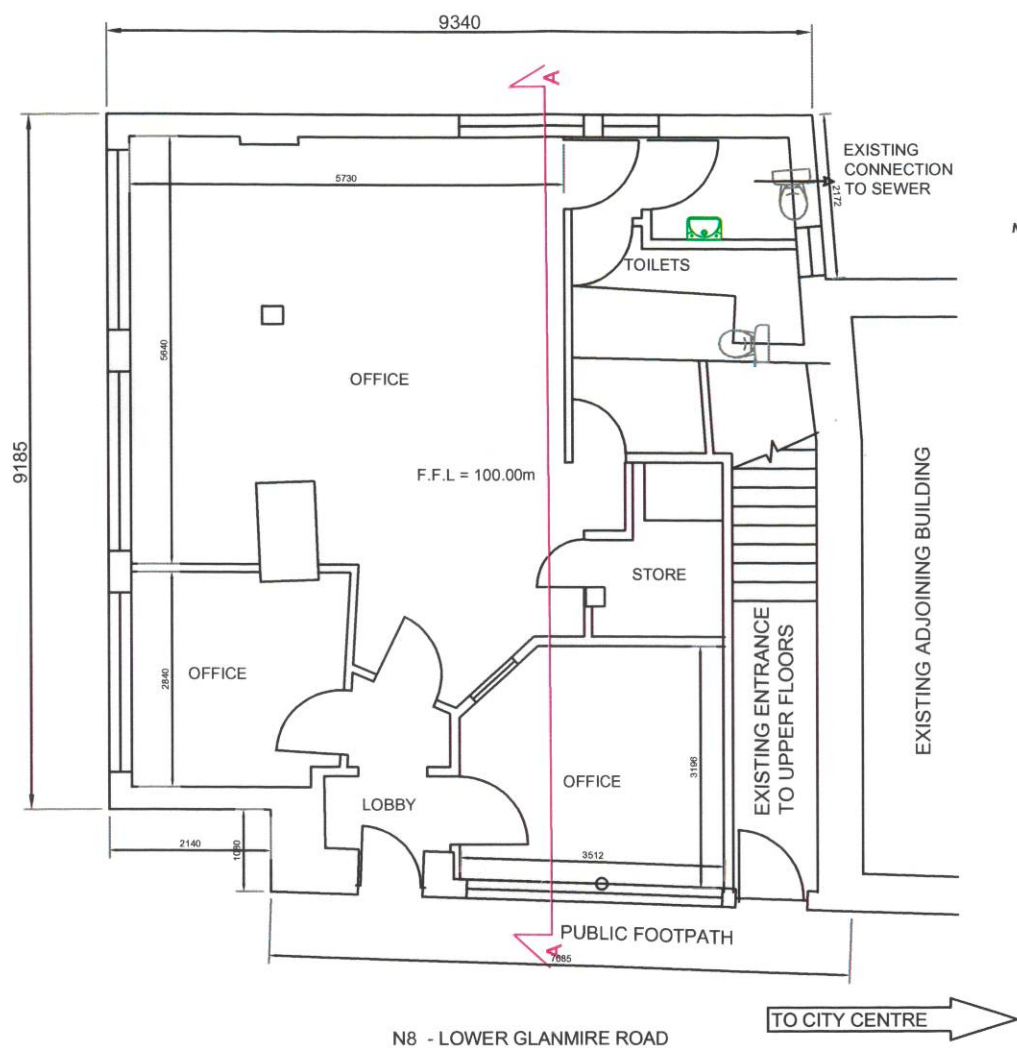
Client:  
 Clare Murray

Project:  
 The Ferryboat, 1 Lower  
 Glanmire Road, Cork

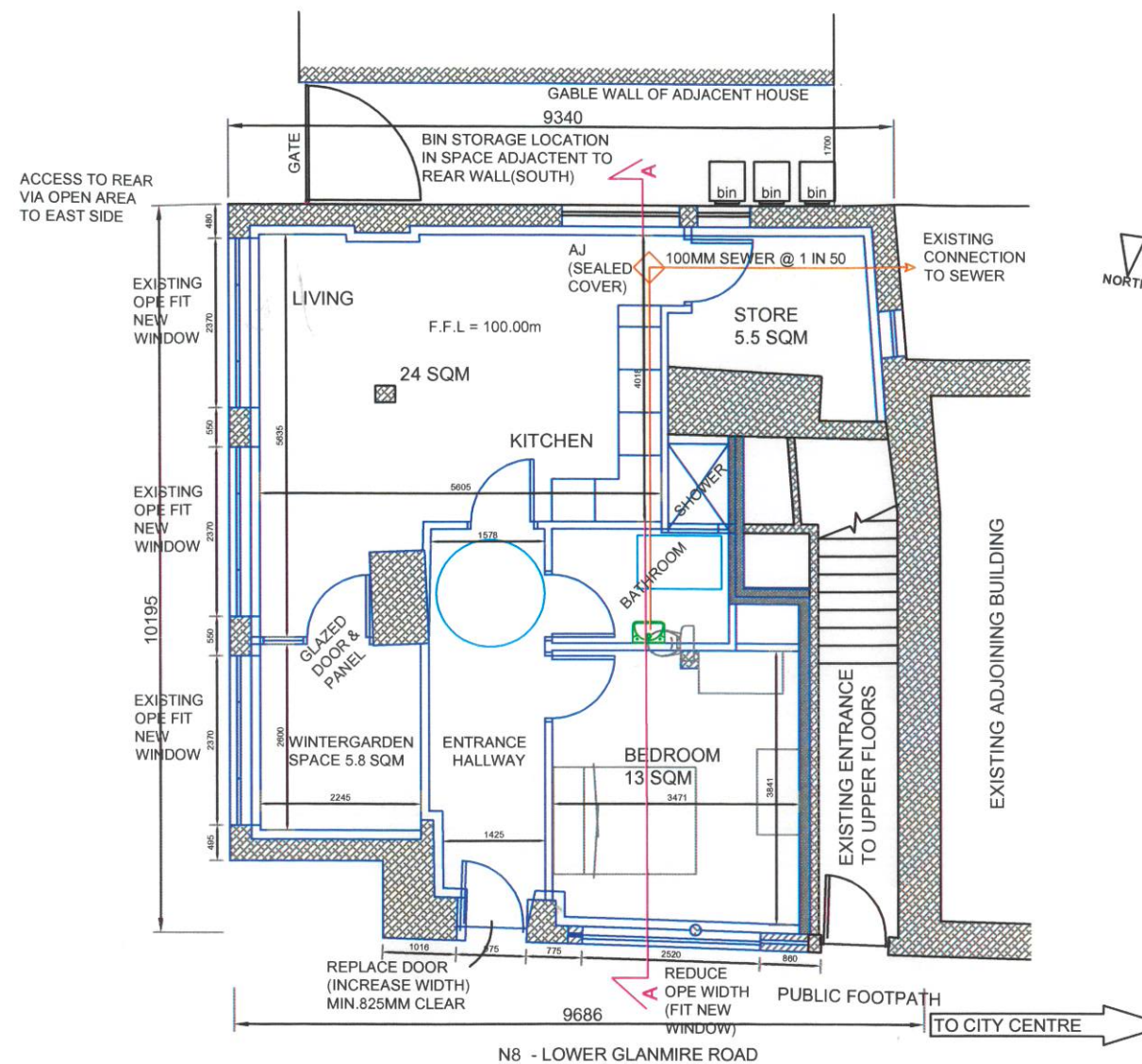
Drawing:  
 Site Layout

job no.	drawing no.	date
22723/C	04	31.8.23
scale	drawn by	checked by
1:100	OR	CD
		drawing type
		A3

NOTES:



EXISTING FLOOR PLAN  
SCALE: 1:100



PROPOSED FLOOR PLAN  
SCALE: 1:100

For Section 5	B	05.8.23	OR
For Approval	A	31.8.23	OR
Revision	Issue	Date	By

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fax: (021) 4876651  
e-mail: info@dlgroup.ie

Client:  
Clare Murray

Project:  
The Ferryboat, 1 Lower  
Glanmire Road, Cork

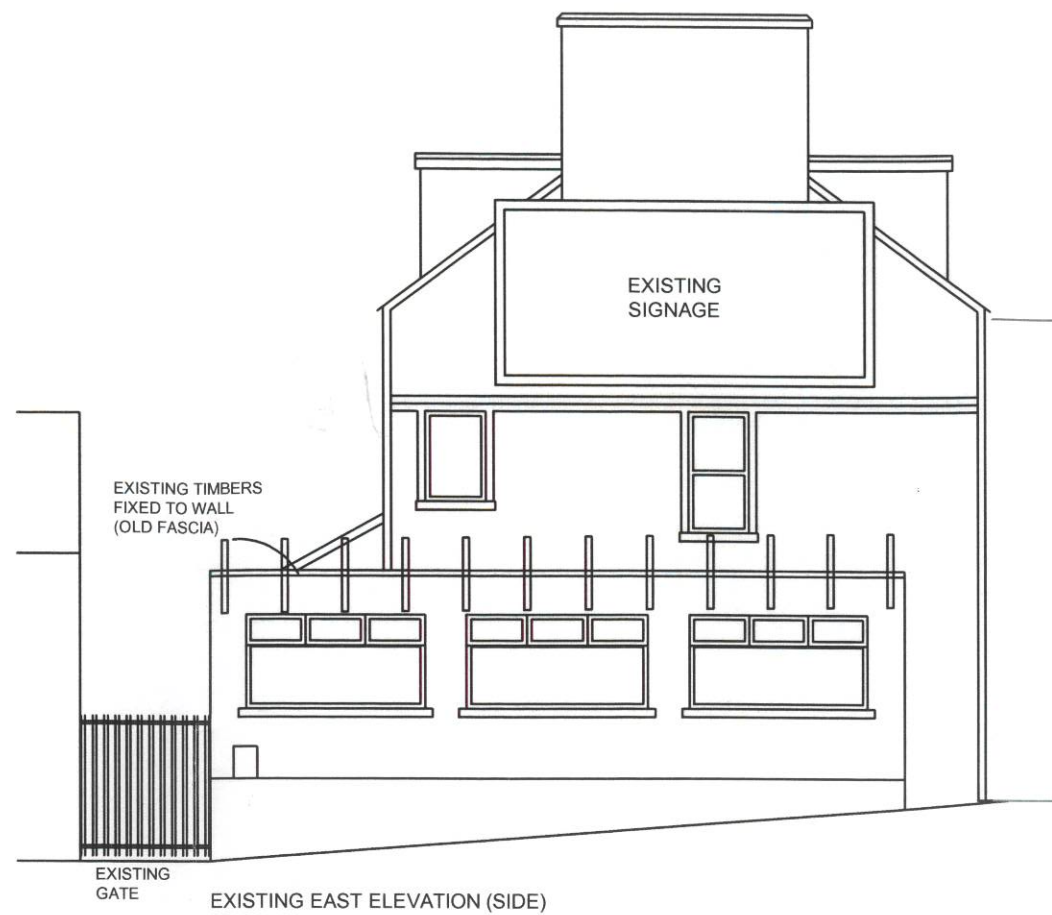
Drawing:  
Existing and Proposed  
Ground Floor Plans

job no.	drawing no.	date
22723/c	01	31.8.23
scale	drawn by	checked by
1:100	OR	CD
		drawing type
		A3

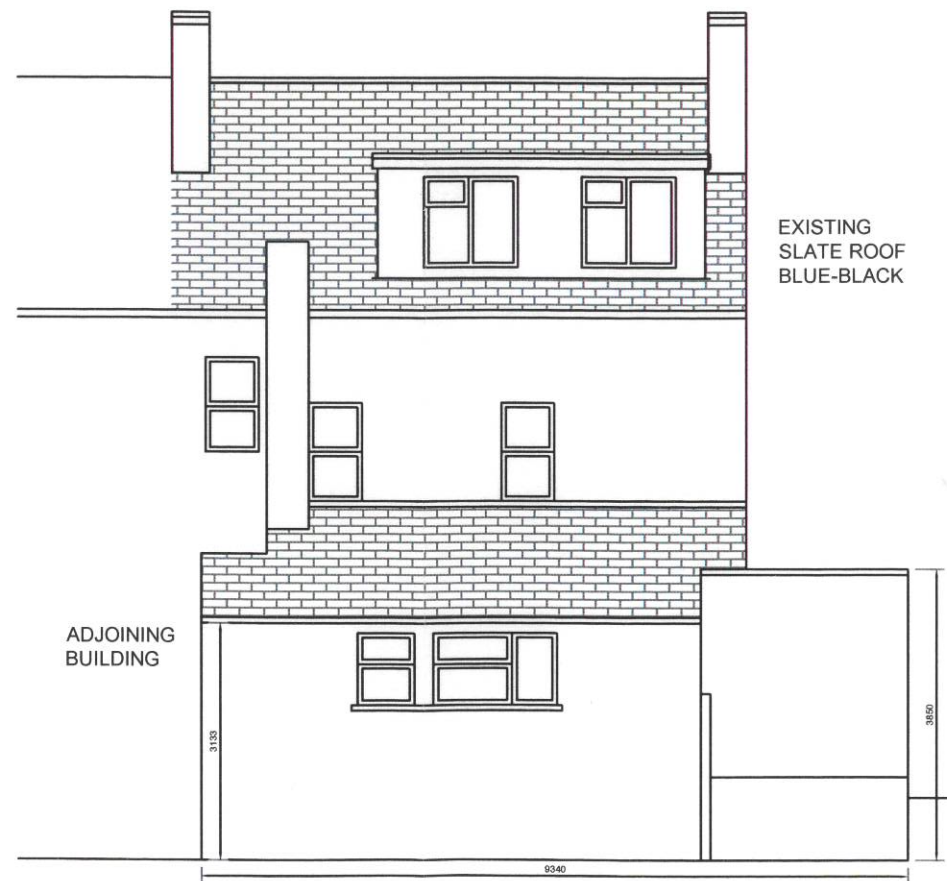




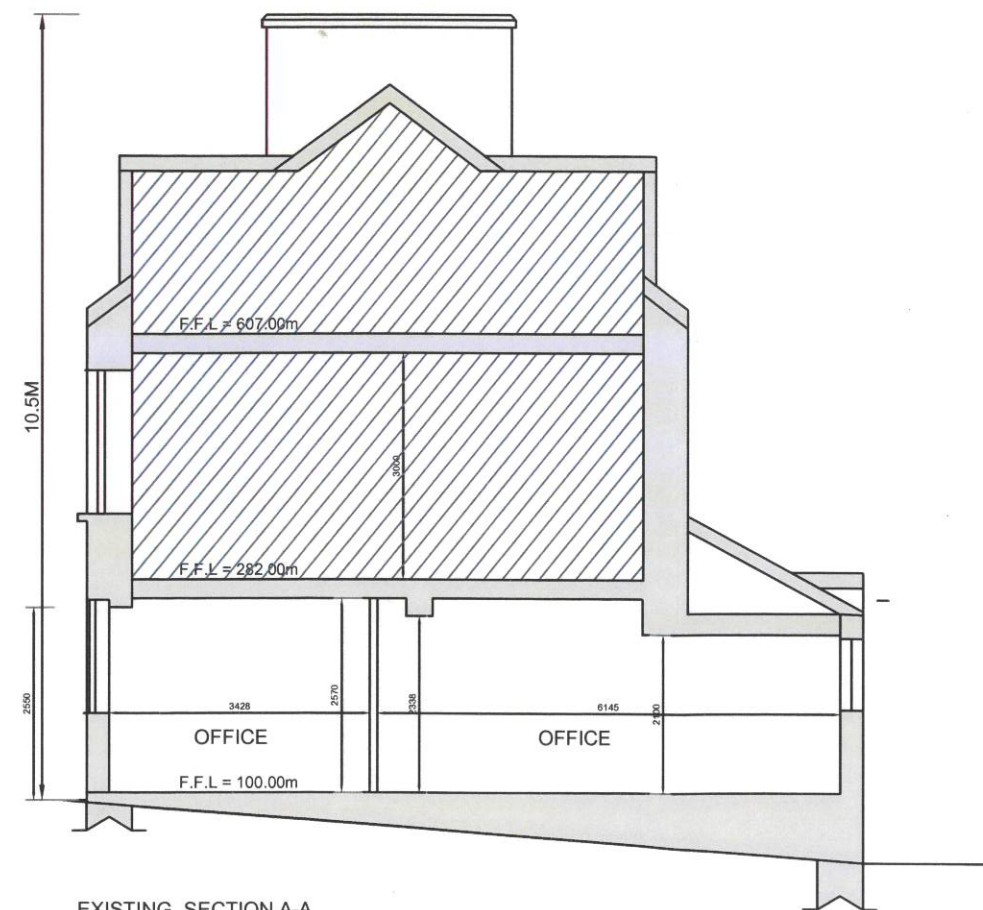
EXISTING NORTH ELEVATION (ROAD)  
SCALE: 1:100



EXISTING EAST ELEVATION (SIDE)  
SCALE: 1:100



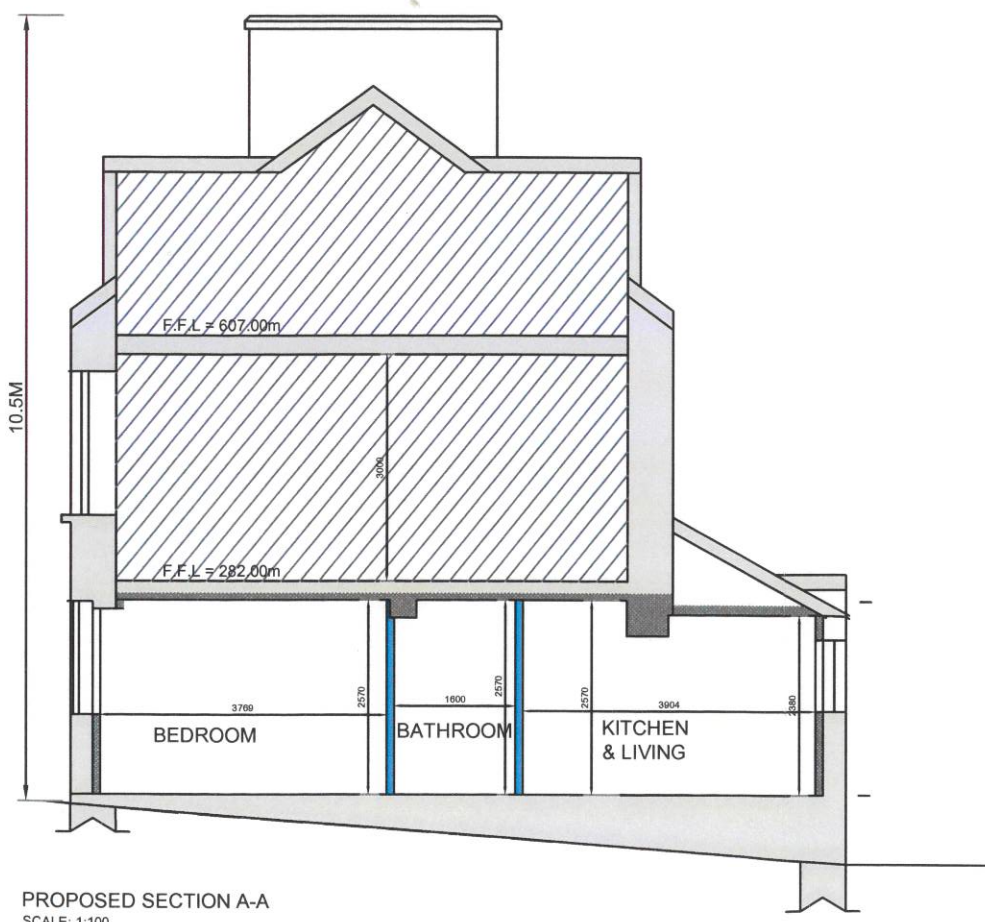
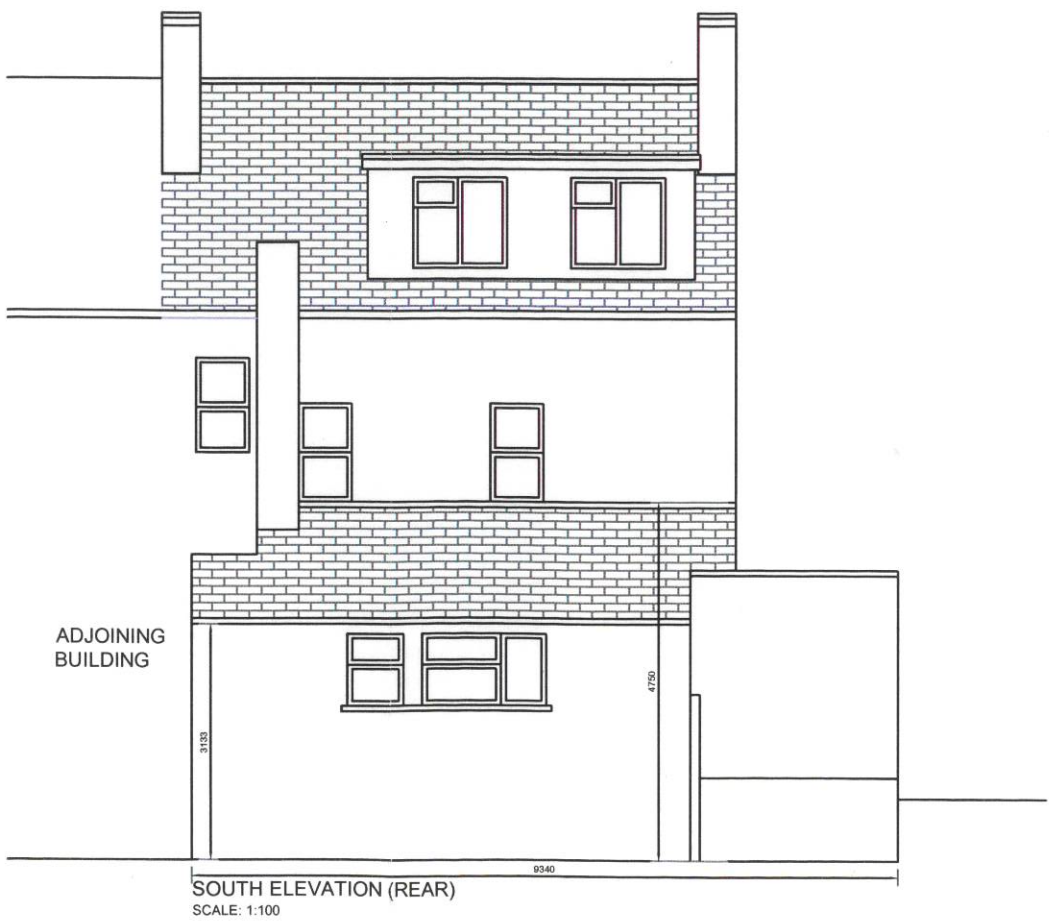
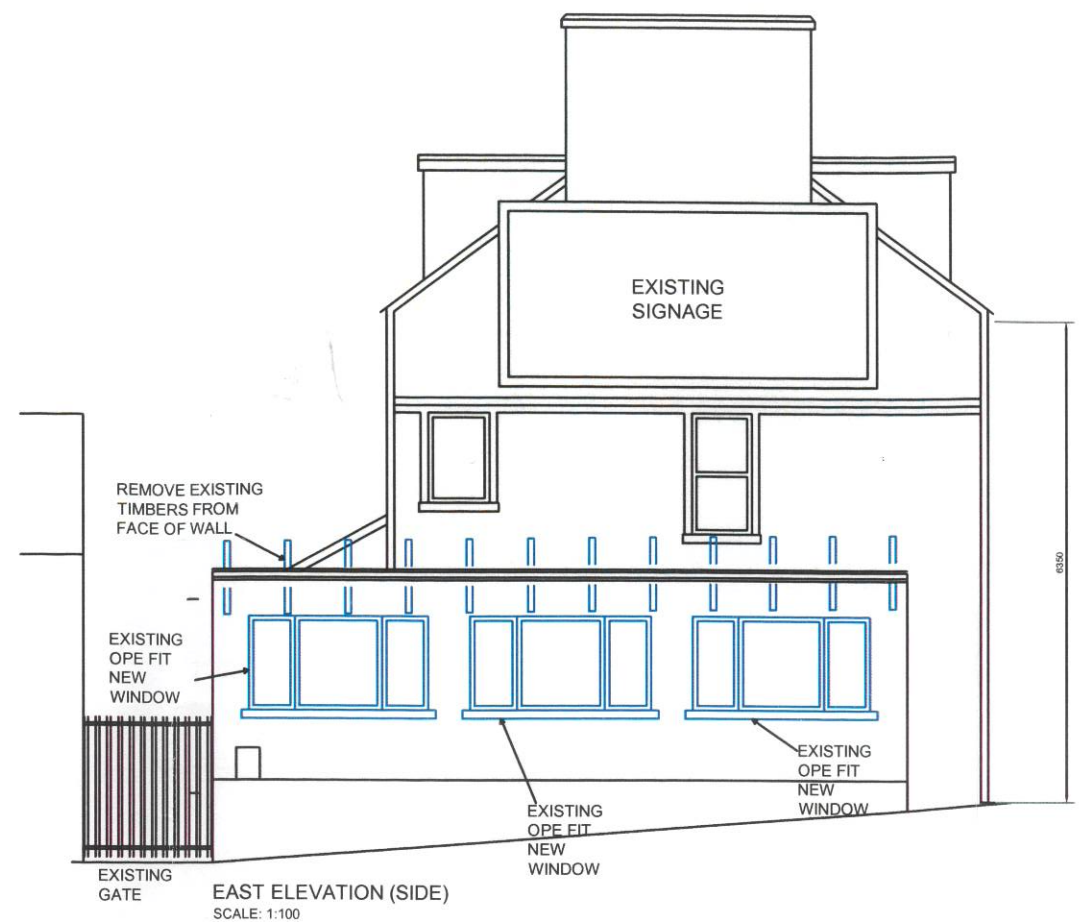
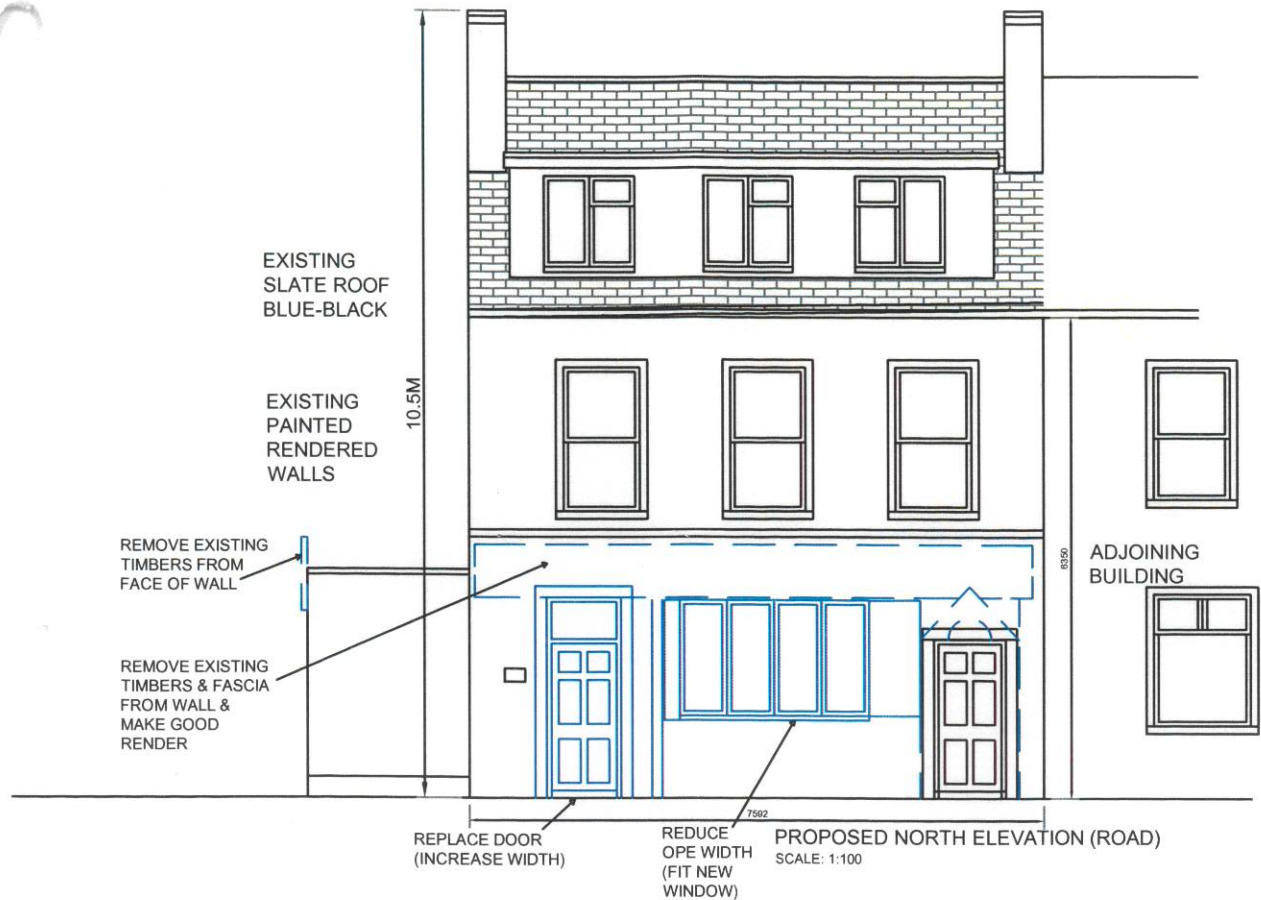
EXISTING SOUTH ELEVATION (REAR)  
SCALE: 1:100



EXISTING SECTION A-A  
SCALE: 1:100

For Section 5	B	05.8.23	OR
For Approval	A	31.8.23	OR
Revision	Issue	Date	By
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Client: Clare Murray			
Project: The Ferryboat, 1 Lower Glanmire Road, Cork			
Drawing: Existing Elevations and Section			
job no.	drawing no.	date	
22723/C	02	31.8.23	
scale	drawn by	checked by	drawing type
1:100	OR	CD	A3





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Client: Clare Murray			
Project: The Ferryboat, 1 Lower Glanmire Road, Cork			
Drawing: Proposed elevations and section			
job no.	drawing no.	date	
22723/C	03	31.8.23	
scale	drawn by	checked by	drawing type
1:100	OR	CD	A3