

Comhairle Cathrach Chorcaí Cork City Council

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

John Fitzgerald
Engenuiti Consulting Engineers Ltd
An Teach B á n
Cúil Aodha
Maigh Chromtha
Co Chorcaí

05/10/2020

**RE: Section 5 Declaration R586/20 Daybreak, Station Road,
Ballincollig, P31 DX50**

Dear Mr. Fitzgerald,

With reference to your request for a Section 5 Declaration at the above-named property it is recommended that the applicant is advised as follows:

Having regard to Sections 2, 3(1), Planning and Development Act 2000, article 10 of the Planning and Development Regulations, 2001 the change of use of the ground floor from retail to residential at Daybreak, Station Road, Ballincollig is development and is not exempted development.

The proposal does not satisfy the conditions and limitations set out at Articles 10(6)(d)(ii) and (vii).

The governing permission is not available, and the Planning Authority were unable to determine if the proposal did or did not contravene condition and limitation Article 10(6)(d)(ix).

Advisory note: Under the provisions of the legislation, there is no scope to seek revised plans to address the non-compliance with the stated conditions and limitations.

Yours sincerely

Kerry Bergin
Community, Culture and Placemaking Directorate
Cork City Council



We are Cork.

Amendment of Article 10 of the Principal Regulations 2.

Article 10 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) is amended by inserting the following sub-article after sub-article (5):

“(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 the making of these Regulations until 31 December 2021.

(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 or 6 of Part 4 to Schedule 1.

(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 or 6, 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 affect only the interior of the structure and shall 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 sub-paragraph (b) relates, then he or she shall accordingly notify the planning authority in whose functional area that the change of use concerned will occur in writing at least 2 weeks prior to the commencement of 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, and

(II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit,

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 and 2022, 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).”.

SECTION 5 DECLARATION – PLANNER’S REPORT

File Reference:	R 586.20
Description:	Whether the addition of new fenestration and revision of existing fenestration for the notification of a change of use exemption from a disused ground floor shop to 5 no apartments under the Planning and Development (Amendment) (No 2) Regulations 2018 (SI no 30 of 2018) is or is not exempted development
Applicant:	DeSong Ye
Location:	Daybreak, Station Road, Ballincollig P31 DX50
Site inspection:	07.08.2020

1. 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.

2. Site Inspection and Location

The site is located at north of the Tudor Grove residential estate, and west of Station Road. The building on the site is two storey, with a vacant retail unit at ground level and residential unit at first floor level. The site is a corner site with the estate road to the north and east. To the south there is a commercial unit and to the rear there are dwellings.

3. Subject Development

Whether the addition of new fenestration and revision of existing fenestration for the notification of a change of use exemption from a disused ground floor shop to 5 no apartments under the Planning and Development (Amendment) (No 2) Regulations 2018 (SI no 30 of 2018) is or is not exempted development.

4. Sub-threshold EIAR

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No3) 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 EIAR is not required to be submitted.

5. Appropriate Assessment

The relevant European sites are the Cork Harbour SPA (Site Code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to its nature, scale and location it is considered that the proposed development would not affect the integrity of the sites referred to. Accordingly, it is considered that a Natura impact statement for the purposes of Article 6 of the Habitats Directive is not required to be submitted.

6. Planning history

On subject site:

185338 - F & M Cunningham & Co Ltd

(1) Change of use from existing shop at ground floor level and apartment and outdoor patio at first floor level into a crèche on ground and first floor level and outdoor play area at first floor level, (2) construction of a 2m high timber screen fence around first floor outdoor play area, (3) change of use of existing ground floor outdoor storage yard into outdoor play area, (4) construction of a 2m high timber fence & gate at the ground floor outdoor play area, (5) changes to the north, south, east and west elevations, (6) internal alterations to facilitate proposed crèche, and (7) all associated site works

Refuse

1. *The site is located within a predominantly residential area and in close proximity to existing dwellings. It is considered that, the proposed development with specific regard to noise and visual amenity would result in an incompatible use on site, would result in an incongruous and obtrusive structure which would be overbearing and overshadow the adjoining properties and have a material and negative impact on the amenities of these properties. The proposed development would therefore be seriously injurious to the residential and visual amenities of the area, would be contrary to policy objective ZU 3-1 of the County Development Plan 2014 and would therefore be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development, by reason of its proximity to residential development on adjoining lands, would seriously injure the amenities and depreciate the value of residential property in the vicinity.*

12/5108 – F & C Down Ltd

Granted planning permission for relocation of front entrance to existing supermarket, and change of use of part of existing supermarket to an off-licence facility (change of location from that approved under planning ref. No. 11/5851).

11/5851 – F & C Down Ltd

Granted planning permission for change of use of part of existing supermarket to provide an off licence facility.

07/6162 – Fred and Chris Down

Granted planning permission for construction of glazed porch with automatic entrance door to front of shop entrance with ancillary overhead display signage and associated site works.

05/8776 – Fred and Chris Down

Granted planning permission to replace existing single storey structure with single storey extension to rear of supermarket to house staff facilities, storage and waste storage area with extended retail area and erection of 3 no. wall mounted display signs.

92/288 – Fred Down

Granted planning permission for alterations and extension to shop and residence.

86/236 – F & C Down

Granted planning permission for a store for supermarket goods at rear of Unit 1A Tudor Grove.

7. Planning policy

Cork County Development Plan 2014 & Ballincollig Carrigaline Municipal District Local Area Plan 2017

The site is located in an 'Existing Built Up Area' as identified in the Ballincollig Carrigaline Municipal District Local Area Plan 2017.

8. Planning legislation

- Planning and Development Act 2000 as amended
Section 2, 3(1) and Section 4(1)(h)
- Planning and Development Regulations 2001
Article 6
Article 10

9. Assessment

The question before the Planning Authority is –

Whether the addition of new fenestration and revision of existing fenestration for the notification of a change of use exemption from a disused ground floor shop to 5 no apartments under the Planning and Development (Amendment) (No 2) Regulations 2018 (SI no 30 of 2018) is or is not exempted development.

Is or is not development?

The change of use from retail to residential is a material change of use and would constitute development under the above provisions of the Act.

Is or is not exempted development?

In 2018, Article 10 of the Planning and Development Regulations 2001 were amended by the insertion of a sub-article and it related to change of use to residential use from Class 1, 2, 3 or 6 of Part 4 to Schedule 1.

The referral relates to the ground floor of a building north of Tudor Grove residential estate in Ballincollig. The ground floor is currently vacant and is for sale. The referral is being made by a prospective purchaser.

In this sub-article Article 10(6) there are a number of criteria which need to be complied with. These are discussed below:

<p><i>(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 or 6 of Part 4 to Schedule 1.</i></p>	<p>Going by the address and the planning history, the ground floor previously in use as a shop with storage. A note on the door (dated April 2018) states that the shop was in business for nearly 37 years. A shop is contained in Class 1 in Part 4 of the Regulations.</p>
<p><i>(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)–</i></p>	<p>Sub-article (1) is discussed further below.</p>

<p><i>(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,</i></p>	<p>The structure has been in existence since the 1980s. The governing permission is not unknown.</p>
<p><i>(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, and</i></p>	<p>The ground floor was used as a shop i.e. Class 1.</p>
<p><i>(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 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).</i></p>	<p>There is a note on the door saying “the store will cease to trade and close on Wednesday evening April 25th”.</p> <p>There is no year given on the note; however 25th April 2018 was a Wednesday.</p> <p>As such it would seem that the ground floor has been vacant for a period of 2 years or more. Development has not yet commenced. Conditions and limitations set out in paragraph (d) are discussed below.</p>
<p><i>(i) The development is commenced and completed during the relevant period</i></p>	<p>The ‘relevant period’ means the period from the making of the Regulations until 31 December 2021. The development will need to be commenced and completed during this period.</p>
<p><i>(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall affect only the interior of the structure and shall 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.</i></p>	<p>There are works proposed to the interior and exterior of the structure.</p> <p>The works the exterior involve new windows and altering some existing windows. The windows to the side elevations (north and south) and rear do not materially affect the external appearance of the structure.</p> <p>The works to the front/east elevation are haphazardly placed on the elevation and do not align with the upper floor windows. The alterations to the front materially affects the external appearance of the structure so as to render its appearance inconsistent with the character of the structure.</p>
<p><i>(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.</i></p>	<p>There is no shop front.</p>

<p><i>(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.</i></p>	<p>There is no objective in the development plan or the local area plan that the ground floor should remain in retail use.</p>
<p><i>(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.</i></p>	<p>The number of units is 5. There is 1 no unit at first floor level.</p>
<p><i>(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.</i></p>	<p>Of note this the this refers specifically to floor areas and storage spaces. It does not include private open space and there is no private open space being provided. There is a table attached. There are 4 no 1-bed apartments and 1 no studio and all comply with the minimum requirements.</p>
<p><i>(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.</i></p>	<p>A '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.</p> <p>All the habitable rooms have windows and therefore some degree of natural light. There is no standard set out to what constitutes 'adequate' natural light. For example, bedroom in Apartment 1 is 19.8m and has a window 0.92m x 1.0m. The same applies for bedroom in Apartment 2 and this has a slightly higher floor area of 21.5m². Bedroom in Apartment 4 is 15.6m² with a window 0.92 x 1.0m. For Apartment 4 the kitchen/living is 24.9m² with one window 0.92m x 1m. Some of the windows are north facing and the south facing ones are close to the boundary. It is considered that there are concerns regarding the adequacy of the natural light for some of the habitable rooms.</p>
<p><i>(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</i></p>	<p>The building is not a protected structure.</p>

<p><i>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.</i></p>	
<p><i>(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.</i></p>	<p>The governing permission is unknown.</p>
<p><i>(x) No development shall relate to any structure in any of the following areas:</i> <i>(I) an area to which a special amenity area order relates;</i> <i>(II) an area of special planning control;</i> <i>(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.</i></p>	<p>There is no special amenity order, the area is not an area of special planning control and it is not within the relevant perimeter distance area to which the Major Accident Regulations apply.</p>
<p><i>(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.</i></p>	<p>Article 9(1)(a)(iv) – (porch, building line) – N/A Article 9(1)(a)(vii) – (sites of interest) – N/A Article 9(1)(a)(viiA) – (Record of Monument and Places) – N/A Article 9(1)(a)(viiB) – (AA) – N/A Article 9(1)(a)(viiC) – (natural heritage area) – N/A Article 9(1)(a)(viii) – (unauthorized structure and use) – N/A Article 9(1)(c) – (Council Directive) – N/A Article 9(1)(d) – (major accidents) – N/A</p>
<p><i>(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.</i></p>	<p>An onsite wastewater system is not required. The site is served by public infrastructure.</p>
<p><i>(e) (i) Where a person proposes to undertake development to which sub-paragraph (b) relates, then he or she shall accordingly notify</i></p>	<p>This will be a matter for the intended owner/ intended owner.</p>

<i>the planning authority in whose functional area that the change of use concerned will occur in writing at least 2 weeks prior to the commencement of the proposed change of use and any related works.</i>	
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Article 10(1)

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

<i>(a) involve the carrying out of any works other than works which are exempted development,</i>	There is no indication that other works will be carried out.
<i>(b) contravene a condition attached to a permission under the Act,</i>	The governing permission is unknown.
<i>(c) be inconsistent with any use specified or included in such a permission, or</i>	The governing permission is unknown.
<i>(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned</i>	There is no evidence that the existing use is an unauthorised use.

Article 10(6)(d)(vi)

There are five units proposed:

- Apartment 1 – 1 bed apartment 73.1m²
- Apartment 2 – 1 bed apartment 80m²
- Apartment 3 – 1 bed apartment 49.3m²
- Apartment 4 – 1 bed apartment 57.5m²
- Apartment 5 – studio 30m²

Details on floor area for each of the units is attached.

10. Recommendation

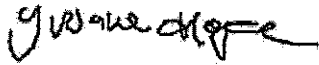
It is recommended that the applicant is advised as follows:

Having regard to Sections 2, 3(1), Planning and Development Act 2000, article 10 of the Planning and Development Regulations, 2001 the change of use of the ground floor from retail to residential at Daybreak, Station Road, Ballincollig is development and is not exempted development.

The proposal does not satisfy the conditions and limitations set out at Articles 10(6)(d)(ii) and (vii).

The governing permission is not available, and the Planning Authority were unable to determine if the proposal did or did not contravene condition and limitation Article 10(6)(d)(ix).

Advisory note: Under the provisions of the legislation, there is no scope to seek revised plans to address the non-compliance with the stated conditions and limitations.



Yvonne Hogan
05.10.2020

Amendment of Article 10 of the Principal Regulations 2.

Article 10 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) is amended by inserting the following sub-article after sub-article (5):

“(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 the making of these Regulations until 31 December 2021.

(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 or 6 of Part 4 to Schedule 1.

(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 or 6, 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 affect only the interior of the structure and shall 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 sub-paragraph (b) relates, then he or she shall accordingly notify the planning authority in whose functional area that the change of use concerned will occur in writing at least 2 weeks prior to the commencement of 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, and
 - (II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit,
- 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 and 2022, 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).”.



Engenuiti

Consulting Engineers

Attention: of John A. Murphy
The Development Management Section
Strategic Planning & Economic Development Directorate
Cork City Council
City Hall
Anglesea Street
Cork

An Teach Bán,
Cúil Aodha,
Maigh Chromtha,
Co. Chorcaí
P12 F883
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www.engenuiti.design

03 July 2020

Re: Section 5 Declaration Application Form at Daybreak, Station Road, Ballincollig, Co. Cork, P31 DX50

Dear Sir/Madam,

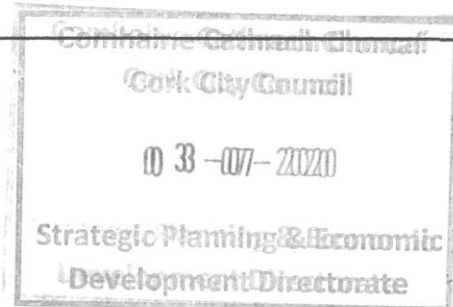
Please find enclosed the documentation as listed below as part of this section 5 declaration application form:

Documents:

Fee – €80
Completed application form

Drawings:

Record Place Map	-000
Rural Place Map	-001
Site Layout Plan	-002
Existing Ground Floor Plan	-010
Existing First Floor Plan	-011
Existing Elevations (1 of 2)	-012
Existing Elevations (2 of 2)	-013
Existing Building Sections	-014
Proposed Ground Floor Plan	-020
Proposed First Floor Plan	-021
Proposed Elevations (1 of 2)	-022
Proposed Elevations (2 of 2)	-023
Proposed Building Sections	-024



Yours sincerely,

John Fitzgerald
Consulting Engineer

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03 JUL 2020

RECEIVED

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

DAYBREAK SHOP, STATION ROAD, BALLINCOLLIG,
CO. CORK. P31 DX 50.

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.

THE ADDITION OF NEW FENESTRATION & REVISION OF
EXISTING FENESTRATION FOR THE NOTIFICATION OF A
CHANGE OF USE EXEMPTION FROM A DISUSED
GROUND FLOOR SHOP TO 5 NO. APARTMENTS
UNDER THE PLANNING & DEVELOPMENT (AMMENDMENT)
(NO.2) REGULATIONS 2018 (SI NO. 30 OF 2018).

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

THE PROPOSED FENESTRATION REVISIONS ARE TO
SATISFY SECTION d (vii) OF THE PLANNING &
DEVELOPMENT (AMENDMENT) (NO.2) REGULATIONS 2018
(SI NO. 30 OF 2018) WHICH REQUIRES ADEQUATE
NATURAL LIGHTING FOR ROOMS WHERE THE INTENDED
USE IS AS A HABITABLE ROOM.
FURTHERMORE I AM SATISFIED THAT THE LAYOUTS
AND FENESTRATION DETAIL COMPLY IN FULL WITH THE
LIMITATIONS SET OUT IN THE SI 30 LEGISLATION AS
PUBLISHED, AS WELL AS SECTION 4 (i) (h) OF THE
PLANNING & DEVELOPMENT ACT.

3. 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	EXISTING = 332 m ² PROPOSED = 321 m ²
(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 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)
DISUSED SHOP	5 NO. APARTMENTS

4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		[REDACTED]
Applicants Address		[REDACTED]
Person/Agent acting on behalf of the Applicant (if any):	Name:	[REDACTED]
	Address:	ENGENUITI CONSULTING ENGINEERS COOLEA, MACROOM, CORK. P12 F883
	Telephone:	[REDACTED]
	Fax:	_____
	E-mail address:	john@engenuiti.design
Should all correspondence be sent to the above address? <small>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)</small>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

5. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Other <input checked="" type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question	THE APPLICANT IS IN THE PROCESS OF PURCHASING THE BUILDING & SITE	
If you are not the legal owner, please state the name and address of the owner if available	CHRIS & FRED DOWN 1A TUDOR GROVE, STATION ROAD, BALINGOLLA CORK, P31 DX50.	

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

Signature: John Fitzgerald

Date: 3/7/20

.....

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

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NOTES

Description:
Historic 6" Latest Edition
Publisher / Source:
Ordnance Survey Ireland (OS)

Data Source / Reference:
CK073
Revision Date = 31-Dec-1934
Survey Date = 31-Dec-1939
Levelled Date = 31-Dec-1939

CK085
Revision Date =
Survey Date = 31-Dec-1934
Levelled Date = 31-Dec-1940

File Format:
Tagged Image File Format (TIFF)
File Name:
R_30124935_1.tif

Chip Brand / Area of Interest (AOI):
LLX.LLV = 555733.8258, 567976.6044
LRX.LRV = 562743.8259, 567976.6044
ULX.LUV = 555733.8259, 573170.6044
URX.LRV = 562743.8259, 573170.6044

Projection / Spatial Reference:
RENET93_MGRS_Transverse_Mercator
Centre Point Coordinates:
X.Y = 559238.8259, 570573.6044

Data Extraction Date:
19-Jun-2020
Product Version:
1.3

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Rev.	Date	Amendment Details	Drawn	CHK'd	App'd
0	24.06.20	ISSUED FOR INFORMATION	NMC	RW	JF

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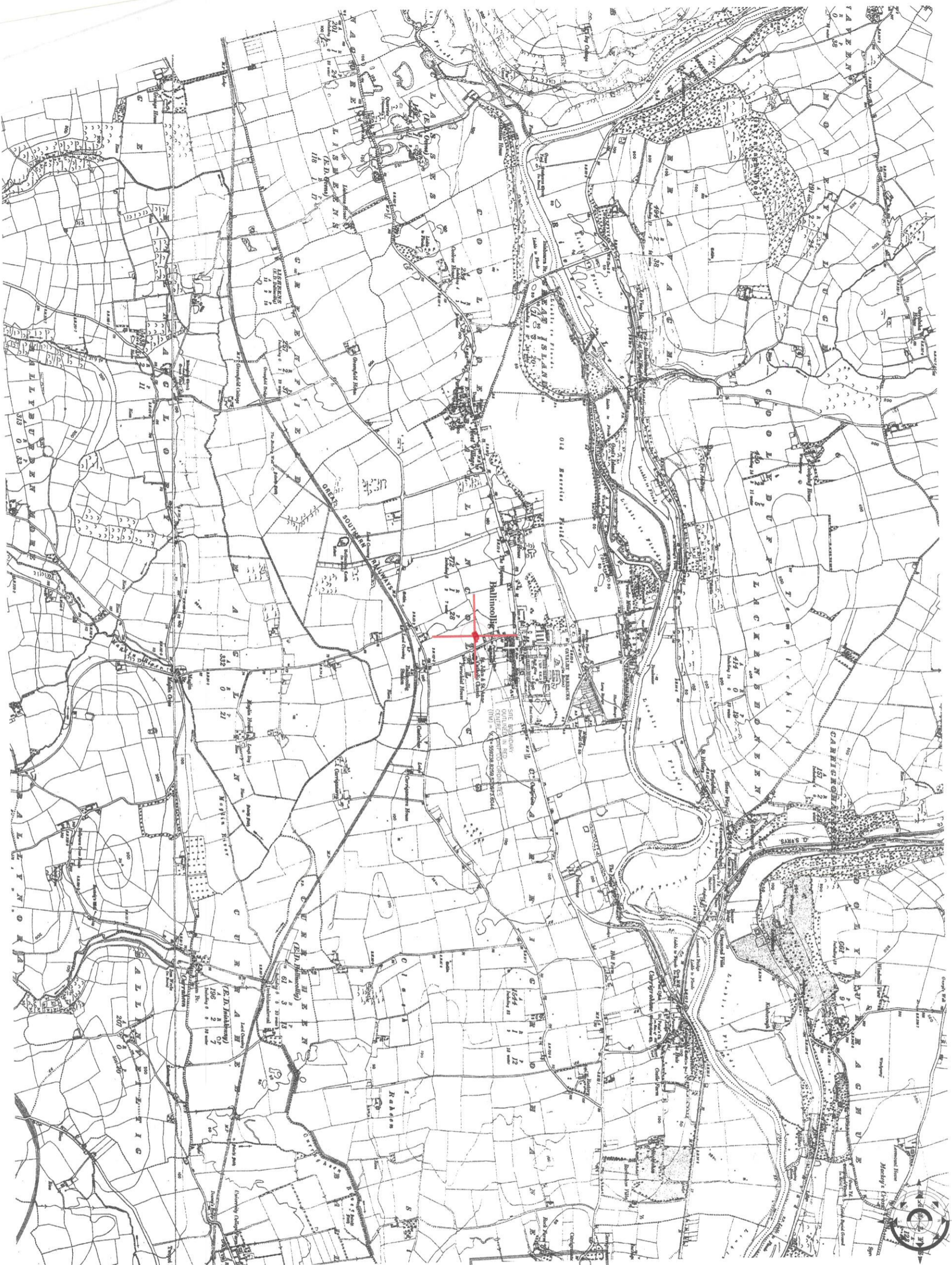
Tinley Developments Ltd.
Tinley Developments Ltd.

FOR INFORMATION
APARTMENT DEVELOPMENT
DAYBREAK
STATION ROAD, BALLINCOLLIG

RECORD PLACE MAP

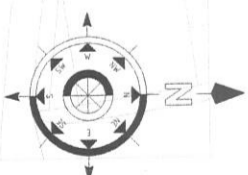
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Drawing Number: 20200055-000



TION

NOTES



SITE / OWNERSHIP BOUNDARY
 CENTRE POINT CO-ORDINATES
 (ITM) = X,Y = 559238.8259, 570573.6044

FOR INFORMATION

Description: Digital Cartographic Model (DCM)

Publisher / Source: Ordnance Survey Ireland (OS)

Data Source / Reference: PRIME2

File Format: Autodesk AutoCAD (DWG_R2013)

File Name: V_50124933_1.dwg

Clip Extent / Area of Interest (AOI):

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U.X.L.R.Y = 559404.8259, 570450.6044

U.X.U.L.Y = 559072.8259, 570686.6044

U.R.X.U.R.Y = 559404.8259, 570686.6044

Projection / Spatial Reference: PRIME2

Centre Point Coordinates: X,Y = 559238.8259, 570573.6044

Reference Index:

Map Series | Map Sheets

1:1,000 | 6380-20

1:1,000 | 6380-19

1:1,000 | 6380-24

1:1,000 | 6380-25

Data Extraction Date:

Date = 19-Jun-2020

Source Data Release: DCILMS Release V1.128.109

Product Version: Version = 1.3

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Rev.	Date	Amendment Details	Drawn	Checked	App'd
0	24.06.20	ISSUED FOR INFORMATION	NMC	RW	JF

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 Web: www.engenuti.design

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APARTMENT DEVELOPMENT
COMMUNITY CUIDADABREAK
 STATION ROAD, BALLINCOLLING

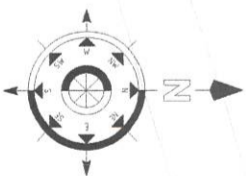
03 JUL 2020

RURAL PLACE MAP

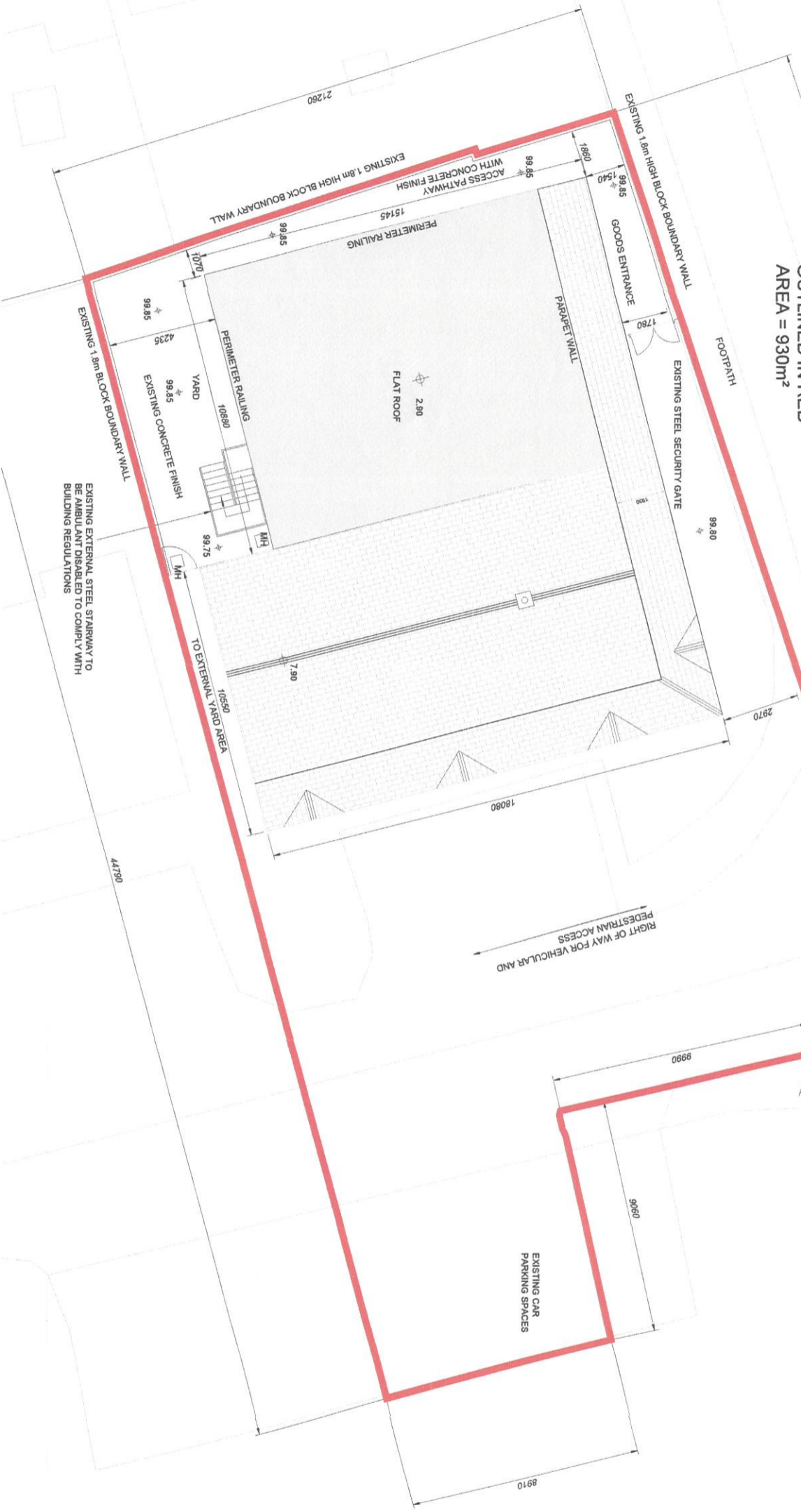
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1:500m	RW	RW	JF

Original Date: A1/A3
 Date: 19/04/19
 Drawing Number: 20200055-001
 Revision: 0



**SITE / OWNERSHIP BOUNDARY
OUTLINED IN RED
AREA = 930m²**



SITE LAYOUT PLAN

SCALE 1:100 @ A1
SCALE 1:200 @ A3

FOR INFORMATION



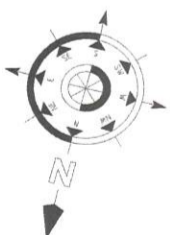
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0	24.06.20	ISSUED FOR INFORMATION	NMG	RW	JF
		Amendment Details			

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APARTMENT DEVELOPMENT
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STATION ROAD, BALLINCOLLIG

Scale	Designed	Drawn	Checked	Approved
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Original Size	19/04/19	19/04/19	19/04/19	19/04/19
Drawing Number	20200055-002			
Revision	0			



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PROJECT TITLE
APARTMENT DEVELOPMENT DAYBREAK
 STATION ROAD, BALLINCOLLIG

DRAWING TITLE
EXISTING GROUND FLOOR PLAN

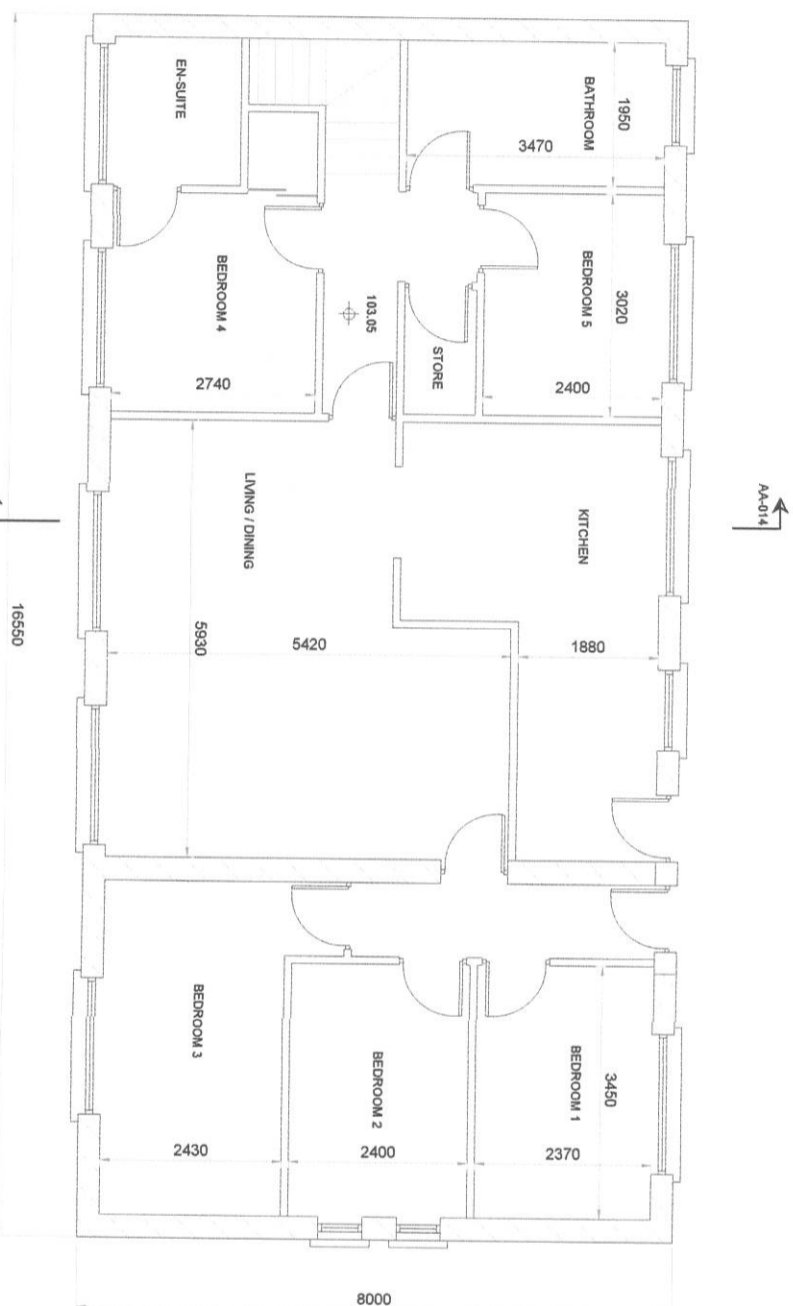
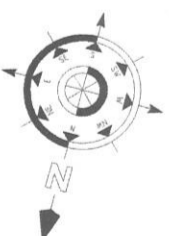
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A1/A3												
0												



EXISTING GROUND FLOOR LAYOUT PLAN

SCALE 1:50 @ A1
SCALE 1:100 @ A3

FOR INFORMATION



EXISTING FIRST FLOOR LAYOUT PLAN
 SCALE 1:50 @ A1
 SCALE 1:100 @ A3

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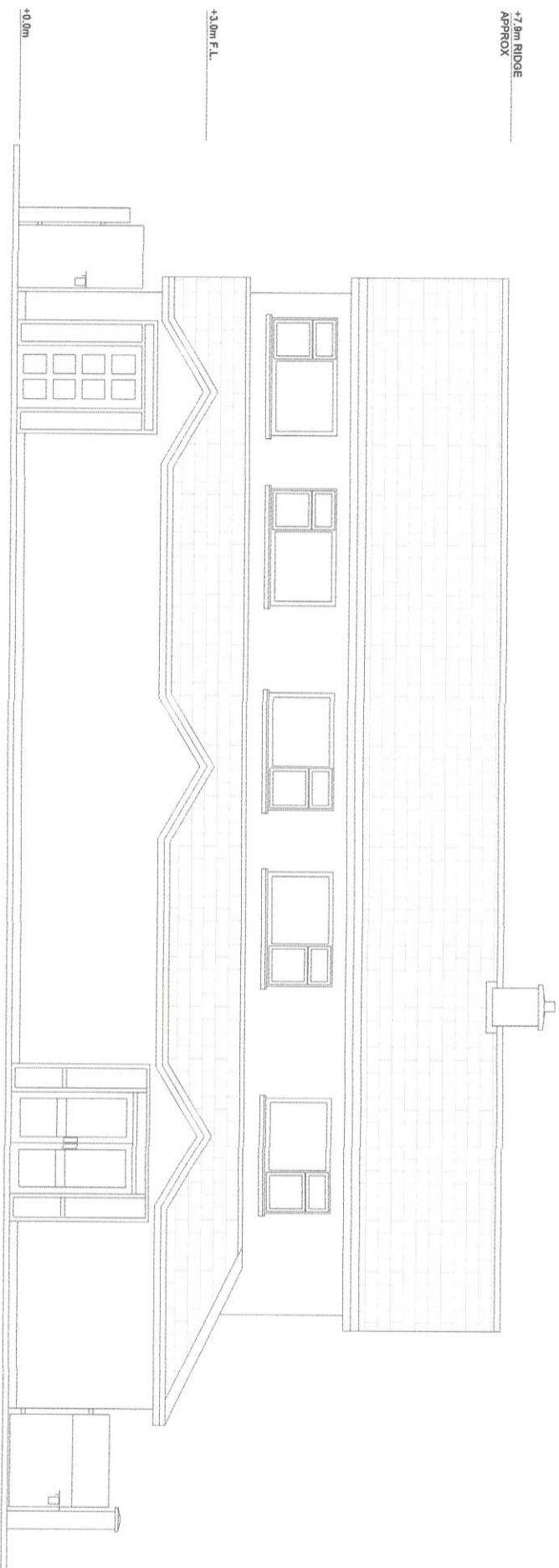
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APARTMENT DEVELOPMENT
 DAYBREAK
 STATION ROAD, BALLINCOLLIG

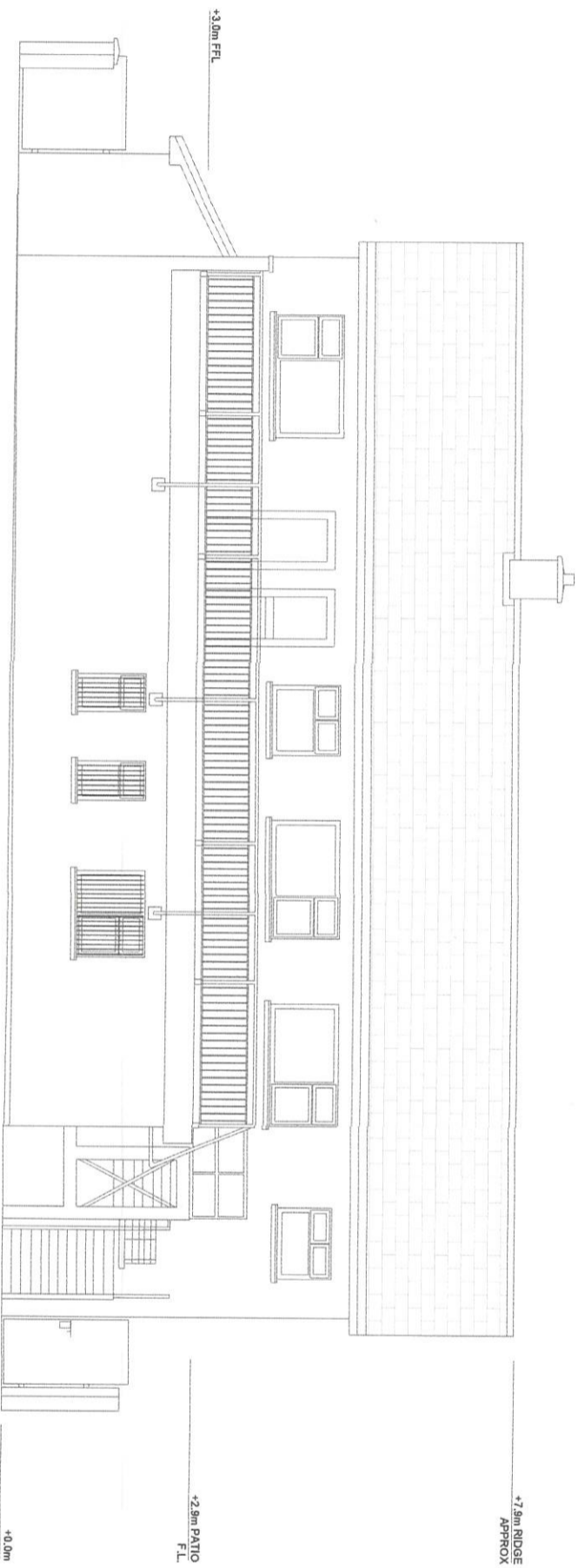
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Drawing Number	20200055-011			Revision
				0

FOR INFORMATION



EXISTING EAST (FRONT) ELEVATION
SCALE 1:50 @ A1
SCALE 1:100 @ A3



EXISTING WEST (REAR) ELEVATION
SCALE 1:50 @ A1
SCALE 1:100 @ A3

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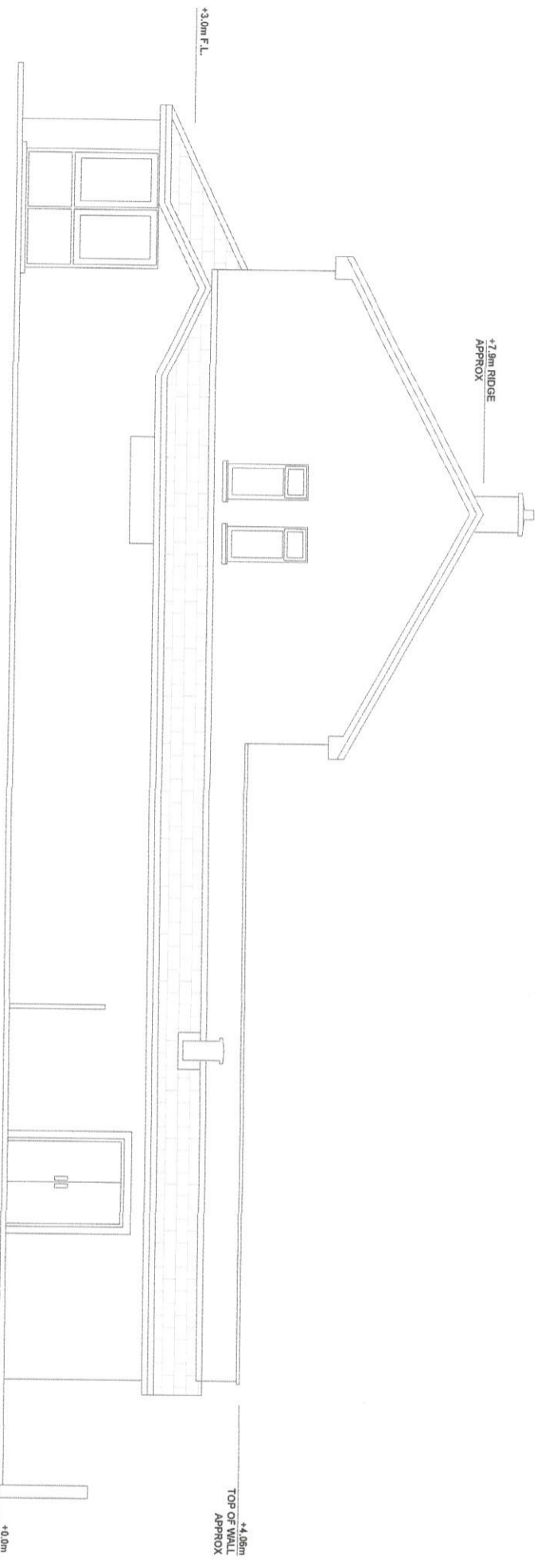
Project Title
APARTMENT DEVELOPMENT DAYBREAK
 STATION ROAD, BALLINCOLLIG

Drawing Title
EXISTING ELEVATIONS
 SHEET 1 OF 2

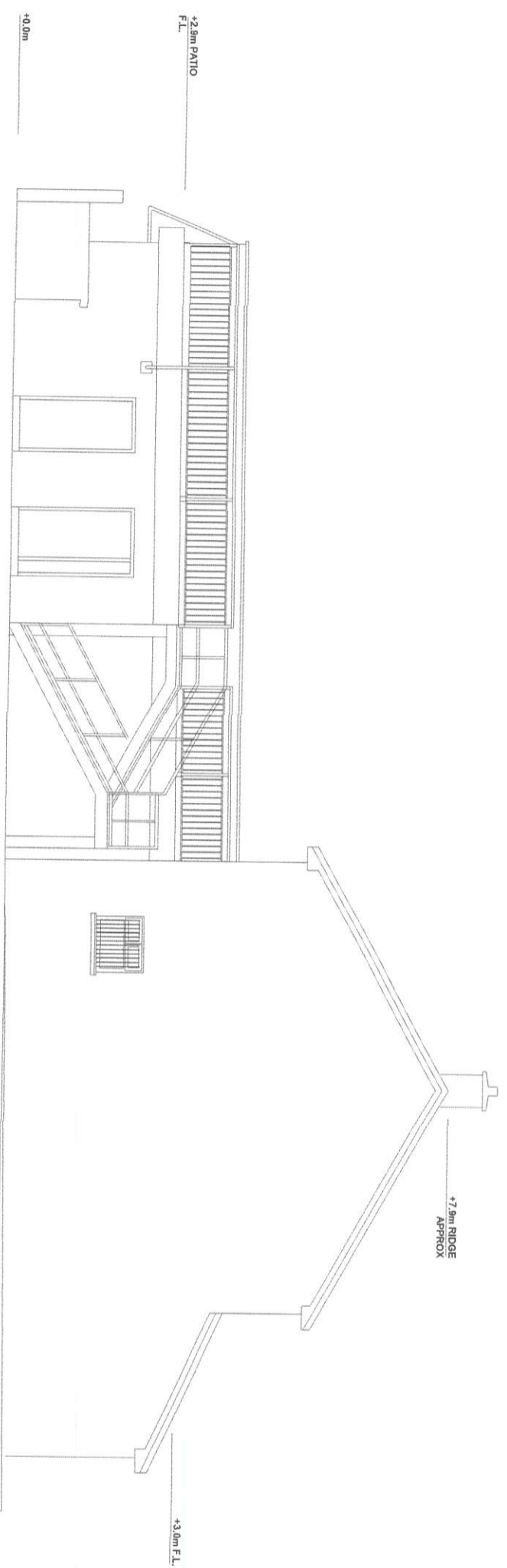
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Drawing Number	20200055-012		Revision
			0

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EXISTING NORTH (SIDE) ELEVATION
SCALE 1:50 @ A1
SCALE 1:100 @ A3



EXISTING SOUTH (SIDE) ELEVATION
SCALE 1:50 @ A1
SCALE 1:100 @ A3

FOR INFORMATION

Rev.	Date	Amendment Details	Drawn	CHK'D	App'd
0	24.06.20	ISSUED FOR INFORMATION	NMG	RW	JF

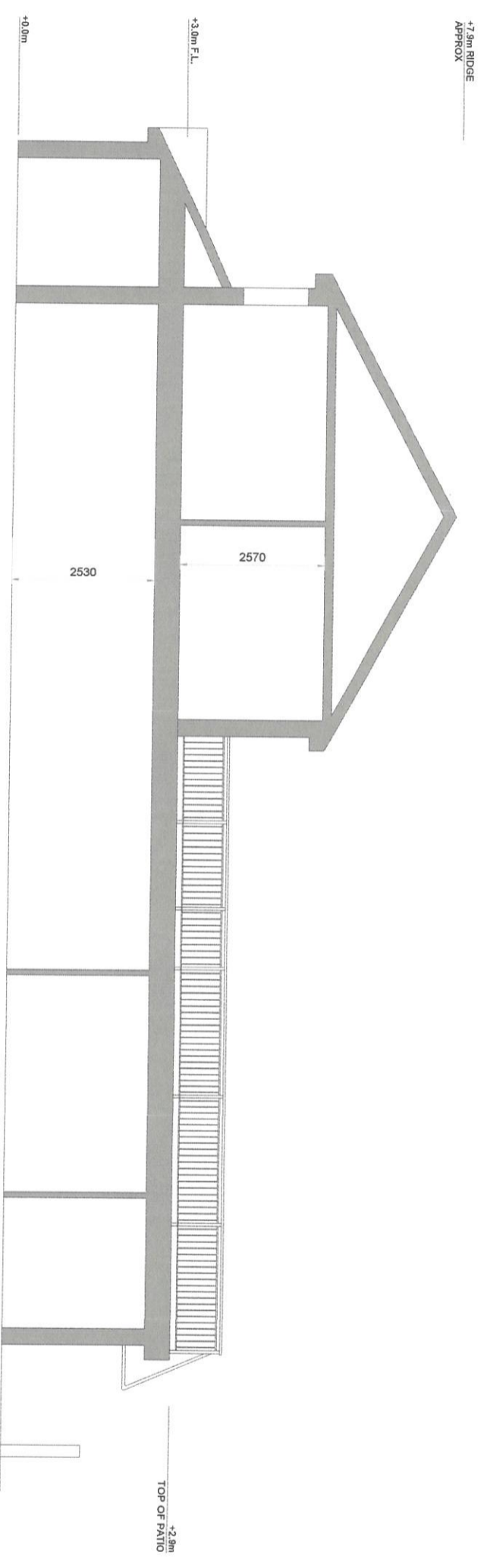
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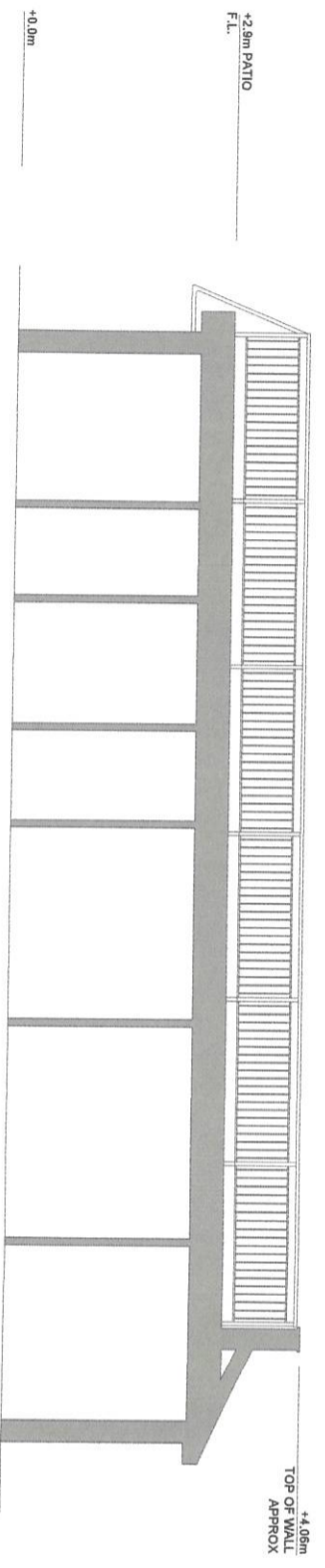
FOR INFORMATION
APARTMENT DEVELOPMENT
DAYBREAK
STATION ROAD, BALLINCOLLIG

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Original Size	19/04/19	19/04/19	19/04/19	19/04/19
A1/A3				
Drawing Number	20200055-013			0

EXISTING ELEVATIONS
SHEET 2 OF 2



EXISTING SECTION A-A
SCALE 1:50 @ A1
SCALE 1:100 @ A3



EXISTING SECTION B-B
SCALE 1:30 @ A1
SCALE 1:100 @ A3

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Rev.	Date	Description	Drawn	Checked	App'd
0	24.06.20	ISSUED FOR INFORMATION	NMG	RVW	JF

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Project Title
**APARTMENT DEVELOPMENT
 DAYBREAK
 STATION ROAD, BALLINCOLLIG**

EXISTING BUILDING SECTION

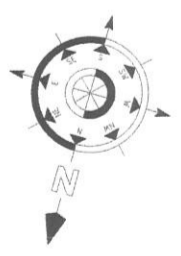
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Drawing Number	20200055-014			Revision
				0

EXISTING 1.6m HIGH BLOCK BOUNDARY WALL
 EXISTING WINDOW OPE TO BE BLOCKED UP
 NEW BEDROOM WINDOW



PROPOSED GROUND FLOOR LAYOUT PLAN
 SCALE 1:50 @ A1
 SCALE 1:100 @ A3

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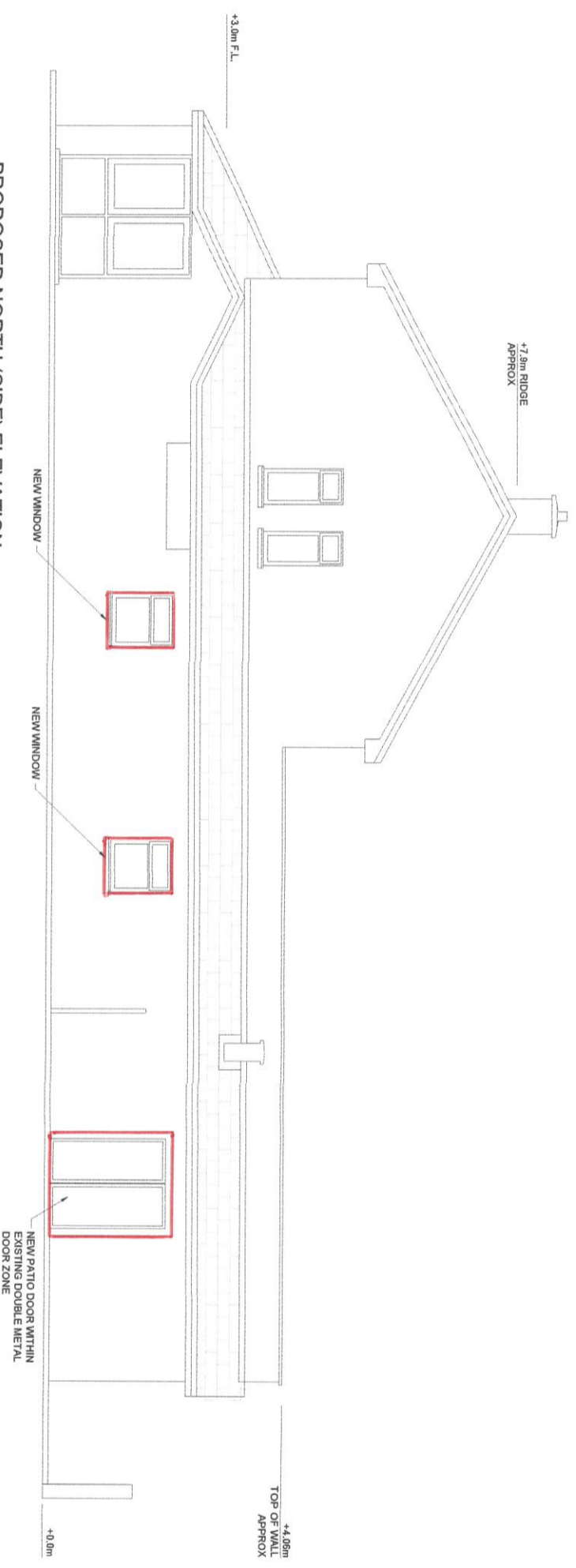
FOR INFORMATION
 APARTMENT DEVELOPMENT
 DAYBREAK
 STATION ROAD, BALLINCOLLIG

PROPOSED GROUND FLOOR PLAN

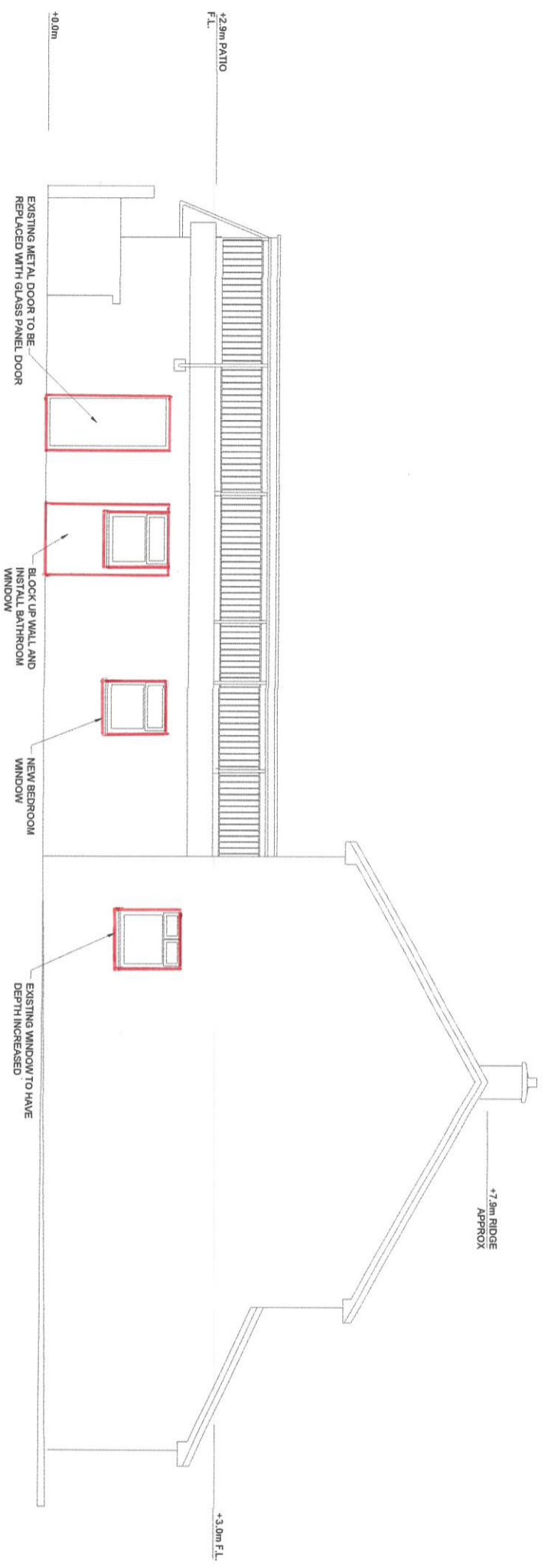
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Drawing Number	20200055-020			
Revision	0			

Community Culture & Place-making
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PROPOSED NORTH (SIDE) ELEVATION
 SCALE 1:50 @ A1
 SCALE 1:100 @ A3



PROPOSED SOUTH (SIDE) ELEVATION
 SCALE 1:50 @ A1
 SCALE 1:100 @ A3



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Rev.	Date	Description	Drawn	CHK'd	App'd
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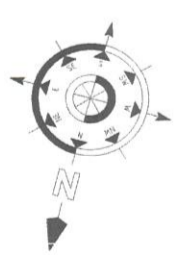
FOR INFORMATION

APARTMENT DEVELOPMENT DAYBREAK
 STATION ROAD, BALLINCOLLIG

PROPOSED ELEVATIONS

Scale	Drawn	CHK'd	App'd
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Original Size	Date	Date	Date
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Drawing Number	Revision		
20200055-023	0		

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Description: Digital Cartographic Model (DCM)
 Publisher / Source: Ordnance Survey Ireland (OSI)
 Data Source / Reference: PRIME2
 File Format: Autodesk AutoCAD (DWG_R2013)
 File Name: v_50124933_1.dwg
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 ULX:ULY= 559072.8259,570696.6044
 ULR:URX= 559404.8259,570696.6044
 Projection / Spatial Reference:
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Reference Index:
 Map Series / Map Sheets
 1:1,000 | 6380-20
 1:1,000 | 6380-19
 1:1,000 | 6380-25
 1:1,000 | 6380-26

Data Extraction Date:
 Date: 19-Jun-2020
 Source: Data Released
 OCLMS Release V1: 129.109
 Request Vendor:
 Version: 1.3
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FOR INFORMATION
 APARTMENT DEVELOPMENT
 DAYBREAK
 STATION ROAD, BALLINCOLLIG

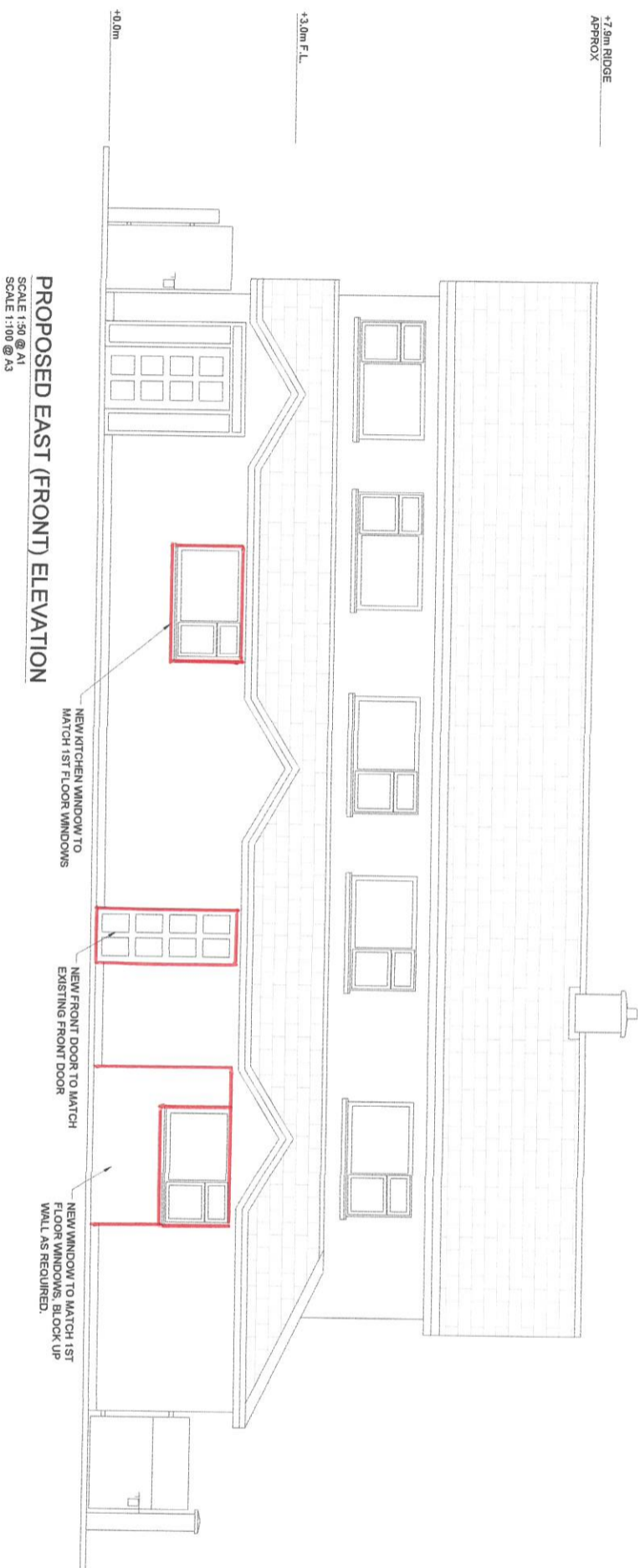
PROPOSED FIRST FLOOR PLAN

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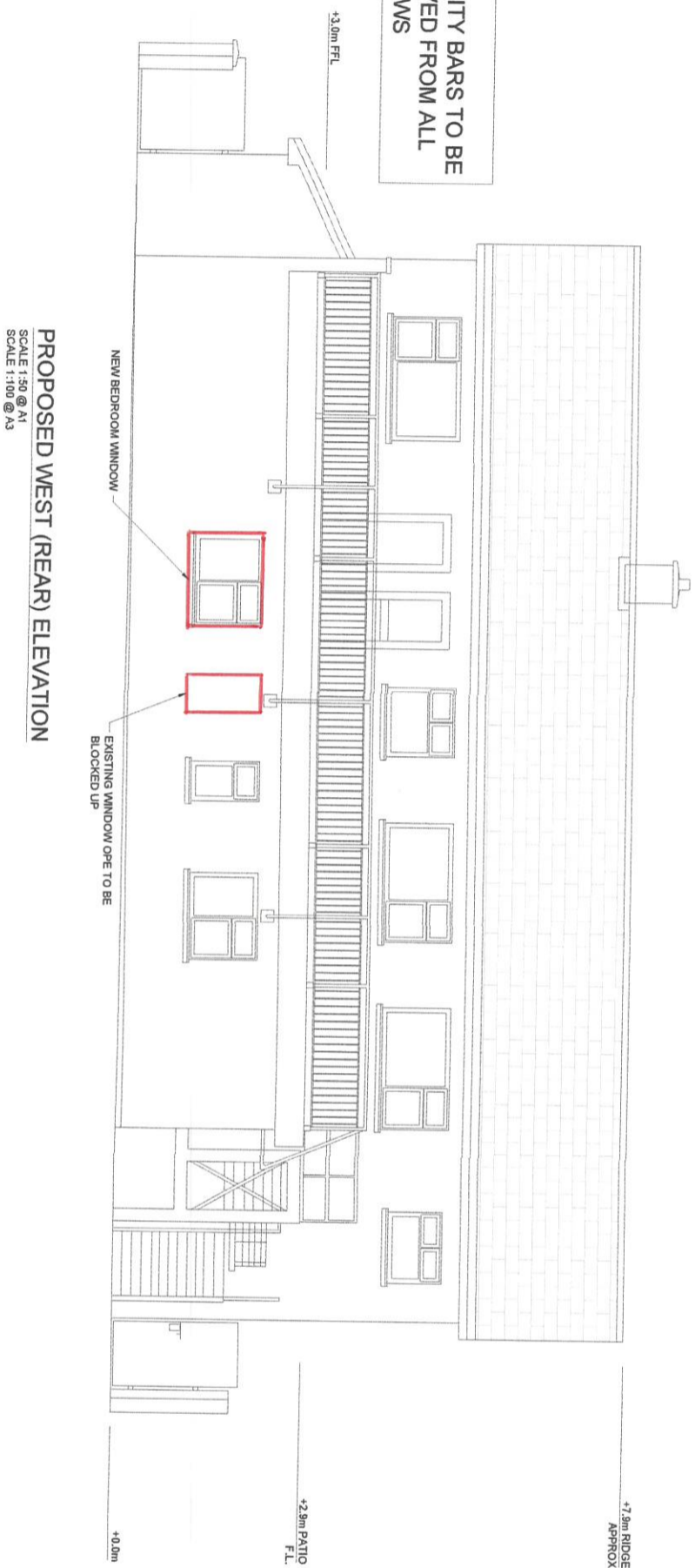


EXISTING FIRST FLOOR LAYOUT PLAN
 SCALE 1:50 @ A1
 SCALE 1:100 @ A3

FOR INFORMATION



NOTE:
SECURITY BARS TO BE REMOVED FROM ALL WINDOWS



Community Culture & Placemaking
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Rev.	Date	Amendment Details	Drawn	Checked	App'd
0	24.06.20	ISSUED FOR INFORMATION	NMC	RW	JF

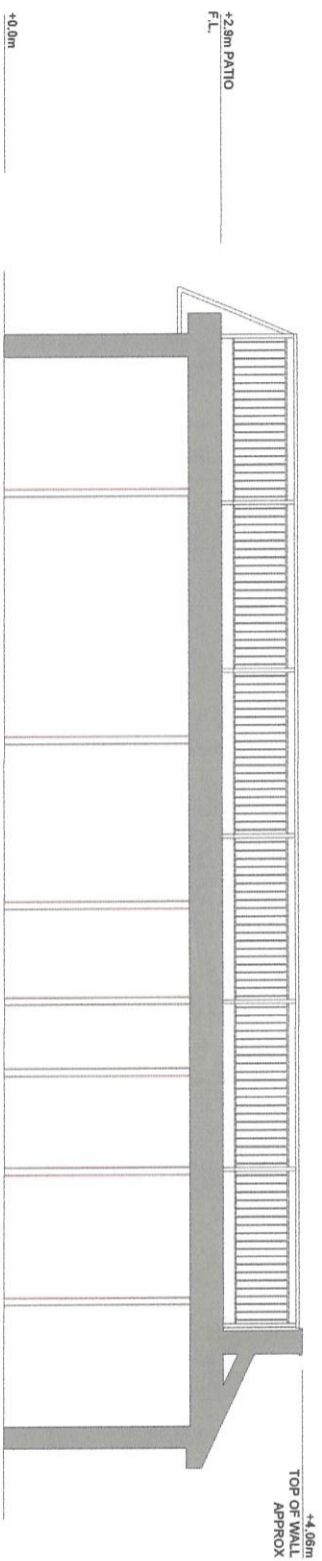
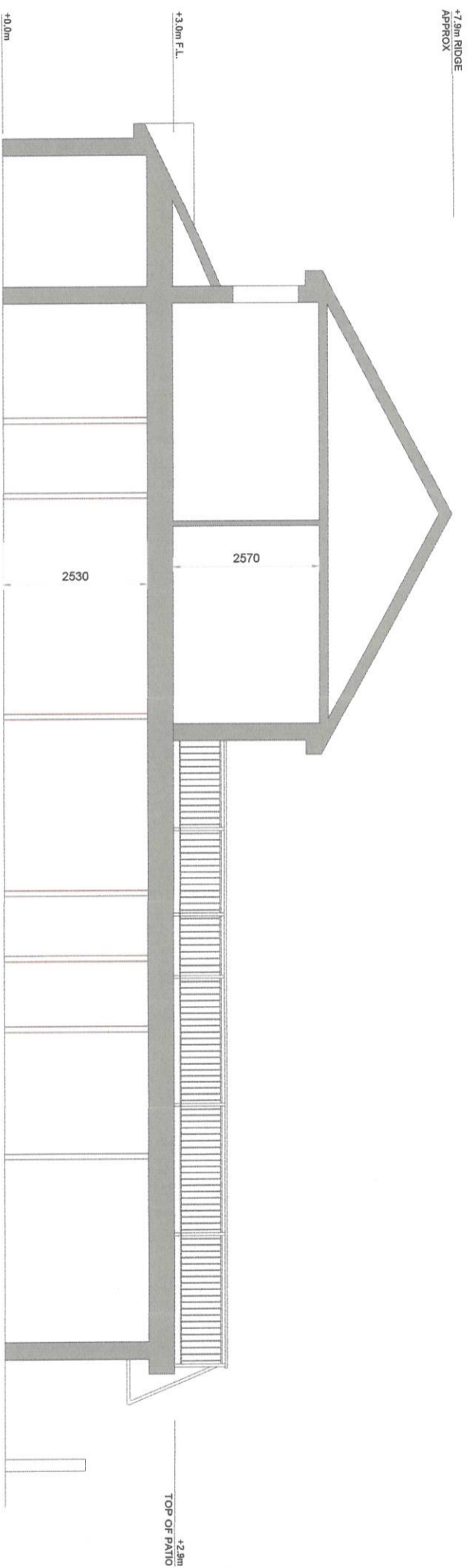

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 FOR INFORMATION
 APARTMENT DEVELOPMENT
 DAYBREAK
 STATION ROAD, BALLINCOLLIG

Scale	Original Size	Drawn	Checked	App'd
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Drawing Number: 20200055-022
 Proposed Elevations
 SHEET 1 OF 2

FOR INFORMATION



Community Culture & Placemaking
 03 JUL 2020
 RECEIVED

Rev.	Date	Amendment Details	CHK'd	APP'd
0	24.06.20	ISSUED FOR INFORMATION	NMC	RW


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TINLEY DEVELOPMENTS
 LTD.

FOR INFORMATION
 APARTMENT DEVELOPMENT
 DAYBREAK
 STATION ROAD, BALLINCOLLIG

Scale	Designed	Drawn	Checked	Approved
1:50/1:100	RW	RW	JF	JF
Checked Date	Date	Date	Date	Date
A1/A3	19/04/19	19/04/19	19/04/19	19/04/19
Drawing Number	20200055-024			Revision
				0

FOR INFORMATION