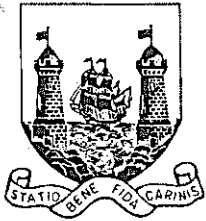


Comhairle Cathrach Chorcaí Cork City Council



Halla na Cathrach
Corcaigh
T12 T997

City Hall
Cork
T12 T997

Denis O'Sullivan

DL Group
1 Hodders Villas
Ballincollig
Cork

21/0818

File Reference: R 483/18

Description: Would the sub-division of the site from 1 no. site to 2 no. sites affect the planning permission 01/25566 granted previously due to the change of boundaries or can the sub-division of the site be defined as an exempted development?

Applicant: Gus O'Carroll

Location: Keyser's Hill, Barrack Street, Cok

Dear Sir/Madam,

I am asked by Mr. Patrick Ledwidge, Director of Services, Strategic Planning & Economic Development to refer to your request for a section 5 Declaration at the above named property.

Having regard to:

- the particulars received by the Planning Authority on 19/07/2018
- Section 3 (1) of the *Planning and Development Act 2000 (as amended)*

it is considered that, the proposal is **Not Development**

Yours Faithfully,

Paul Hartnett
Assistant Staff Officer
Strategic Planning & Economic
Development
Cork City Council

SECTION 5 DECLARATION – PLANNER’S REPORT

File Reference: R 483/18

Description: Would the sub-division of the site (as shown on attached site layout drawing) from 1 no. site to 2 no. sites (as show on attached marked 'land registry map') affect the planning permission 01/25566 granted previously due to the change of boundaries or can the sub-division of the site be defined as an exempted development?

Applicant: Gus O'Carroll

Location: Keyser's Hill, Barrack Street, Cok

Date: 20/08/2018

SUMMARY OF RECOMMENDATION

Does not constitute development

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 on Keyser's Hill, located between Barrack Street and French's Quay. There are two, dormer style dwellings located on site.

Subject Development

Would the sub-division of the site (as shown on attached site layout drawing) from 1 no. site to 2 no. sites (as show on attached marked 'land registry map') affect the planning permission 01/25566 granted previously due to the change of boundaries or can the sub-division of the site be defined as an exempted development?

Sub-threshold EIS

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 EIS is not required to be submitted.

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.

Assessment

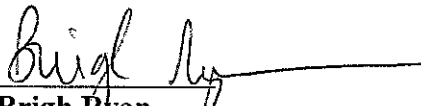
- The applicant states that it is intended to sub-divide the overall site of the property into 2 sites, altering the site boundaries as shown on the granted planning permission 01/25566. A map is included showing the site divided into two.
- As set out in Section 3 (1) of the *Planning and Development Act 2000 (as amended)*, "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. The Planning Authority is restricted to considering the question asked under the application, which relates solely to the sub-division of the site boundary. It does not state or infer that any works would take place but purely that the site boundary would be different to that shown under 01/25566. The matter of landownership is separate to the planning function, with development meaning either works being carried out or a material change in the use of structures or land. Permission was granted for two separate dwelling houses and the ownership of these dwellings or the land is not a matter for the planning process. There was no restriction attached to the permission in terms of the ownership of these dwellings. It is therefore considered that the matter raised in the Section 5 declaration request is not development.

Recommendation

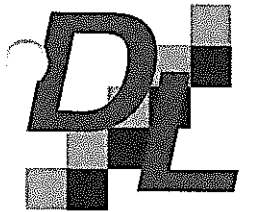
Having regard to:

- the particulars received by the Planning Authority on 19/07/2018
- Section 3 (1) of the *Planning and Development Act 2000 (as amended)*

it is considered that, the proposal is **Not development**



Brigh Ryan
Acting Senior Executive Planner
20/08/2018



GROUP
CONSULTING ENGINEERS

1 Hodders Villas,
Ballincollig
Co. Cork

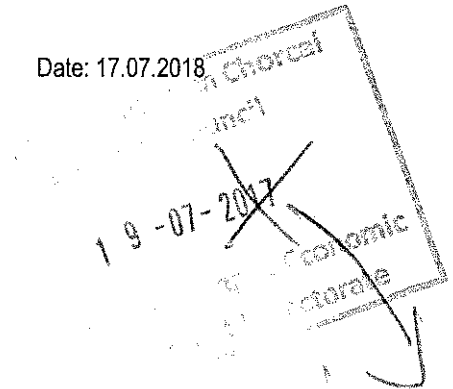
Tel: 021 4876650 /
021 4877149
Fax: 021 4876651

Email: info@dlgroup.ie
Web: www.dlgroup.ie

Our Ref: 43018/CC/DOS

Your Ref:

Date: 17.07.2018



Planning Department,
Cork City Council,
City Hall,
Anglesea Street,
Cork City

Re: Gus O'Carroll – Request for Certificate of Exemption
Property at 1 & 2 The Sliding Stone, Keyser's Hill, Barrack Street, Cork
Planning Number 01/25566- Granted

Incorrect date - should be 19/07/18 BL

Dear Sir/Madam,

We act on behalf of our client who is proposing to sub divide the overall site of the above property into 2no. sites and therefore is altering the site boundaries as shown on the granted planning permission 01/25566.

We attach the completed Section 5 Declaration Application Form for the site in question. We also attach a cheque made payable to Cork City Council to the value of €80.00.

You might please confirm receipt of payment and receipt of the application.

Can you please provide a certificate of exemption to confirm that these modifications to the site layout/boundaries do not affect the planning application as granted? If you require any further information, please don't hesitate to contact me.

Yours sincerely,

Denis O' Sullivan, B.Eng., M.I.E.I.

**COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL**

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

R-Phost/E-Mail planning@corkcity.ie
Fón/Tel: 021-4924564/4321
Líonra/Web: www.corkcity.ie

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

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

1 & 2 The Sliding Stone, Ulysser's Hill,
Barrack Street, Cork.

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.

Would the sub division of the site (as shown on attached site layout drawing) from 1 no. site to 2 no. sites (as shown on attached marked Land Registry Map) affect the Planning Permission 01/25566 granted previously due to the change of boundaries or can the sub division of the site be defined as an exempt development?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

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		N/A
(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)	
-----	-----	
-----	-----	
-----	-----	

4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		Gus O'Carroll
Applicants Address		Keyser's Hill, Barrack Street, Cork
Person/Agent acting on behalf of the Applicant (if any):	Name:	Denis O'Sullivan
	Address:	DL Group Consulting Engineers - 2 Hodder Villas, Ballincollig, Co. Cork.
	Telephone:	[REDACTED]
	Fax:	[REDACTED]
	E-mail address:	[REDACTED]
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 <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: 

Date: 17-7-18

7. ADDITIONAL CONTACT DETAILS

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application.

Contact number	
Email address	

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.

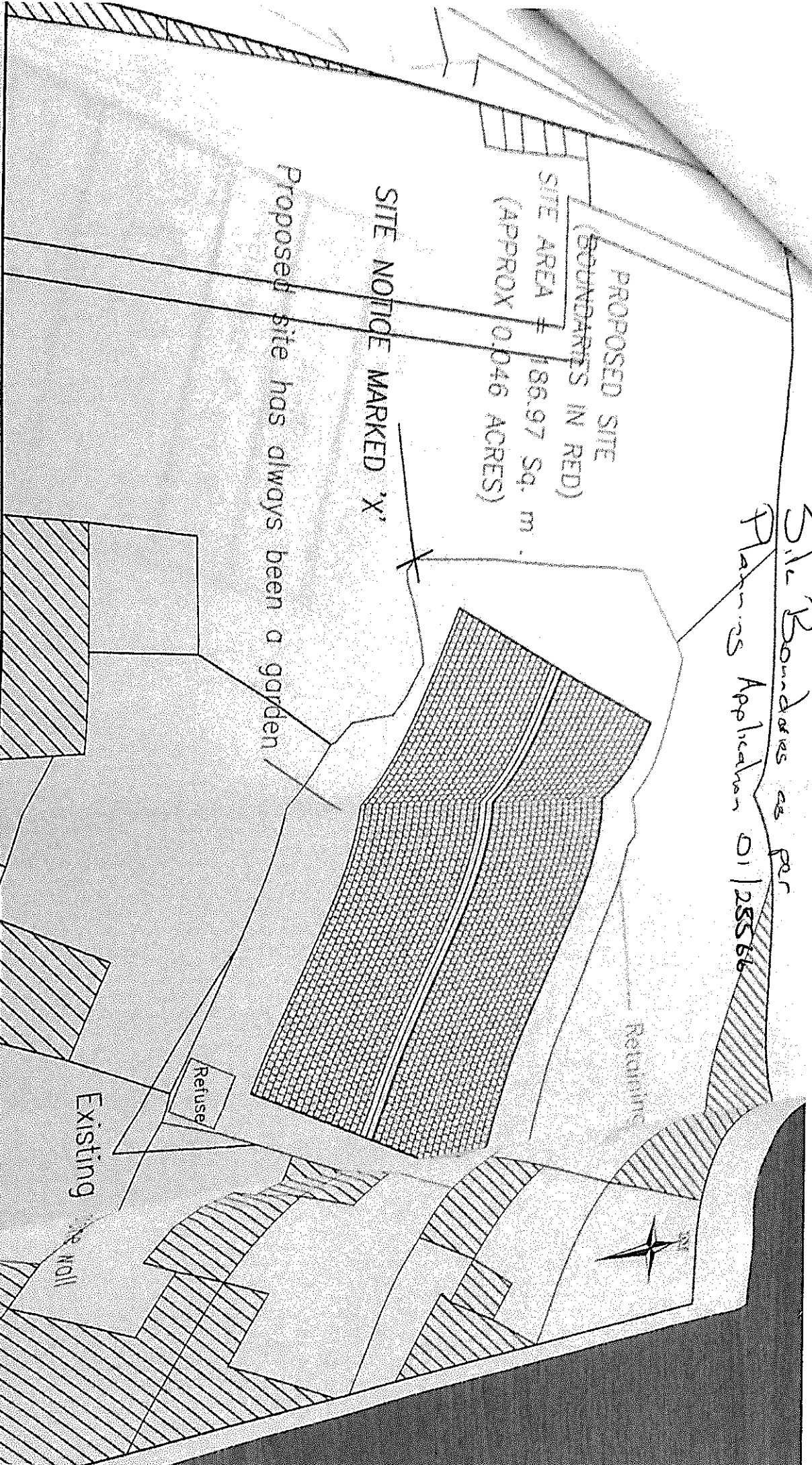
Site Boundaries as per Planning Application 01/25566

PROPOSED SITE
(BOUNDARIES IN RED)

SITE AREA = 1186.97 Sq. m.
(APPROX 0.046 ACRES)

SITE NOTICE MARKED 'X'

Proposed site has always been a garden



PLANNING
CONSULTING ENGINEERS
HODDERS VILLAS
ALLWOODS
DORSET

e-mail: dgroup@plint
phone: (021) 876650
fax: (021) 876651

job no.	21199	date	03/08/99	drawn by	IOR	client	GUS O'CARROLL
drawing no.	02	scale	1:100	issue	B	project	DEVELOPMENT AT KEYSERS HILL

WILTSHIRE
PLANNING DEPARTMENT
WILTSHIRE
COUNCIL
2002 11/14/00

