

# Comhairle Contae Chorcaí Cork County Council

K-Con Projects Limited,  
C/O Majella O'Callaghan,  
McCutcheon Halley Planning Consultants,  
6 Joyce House,  
Barrack Square,  
Ballincollig,  
Cork.  
P31 YX97

29<sup>th</sup> August, 2024

REF: D/249/24  
LOCATION: Rover's Rest, Main Street, Rathcormac, Co. Cork. P61 TW84

**RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE  
PLANNING & DEVELOPMENT ACT 2000 - 2010.**

Dear Sir/Madam,

On the basis of the information submitted by you on 29<sup>th</sup> July, 2024 the Planning Authority, having considered whether the change of use from commercial use (public house) at ground and first floor level to residential (provision of 8 No. apartments) at **Rover's Rest, Main Street, Rathcormac Co. Cork P61 TW84** is or is not development or is or is not exempted development, has declared that it is **not exempted development**.

**Reason for Decision**

The Planning Authority in considering this referral, had particular regard to

- The details submitted to the Planning Authority on the 29<sup>th</sup> July, 2024
- Sections 2(1), 3(1) 4 and 5 of the Planning and Development Act 2000 (as amended)
- Articles 6, 9(1)(a) and 10(6) of the Planning and Development Regulations 2001, (as amended)

**And Whereas the Planning Authority** hereby decides that

The works proposed at Rover's Rest, Main Street, Rathcormac, Co. Cork constitute development but do **not** constitute exempted development because the **Record of Monument and Places** shows the statutory Zone of Notification surrounding Recorded Archaeological Monument CO044-049. Any works within this ZoN requires a Ministerial Notification application (2 months notice) to the National Monuments Service (if the works are being done outside of a planning application or not licensed by an archaeologist etc). Works within this zone would therefore mean that the development is not exempt of planning permission.

Pleanáil agus Forbairt,  
Halla an Chontae,  
Bóthar Charraig Ruacháin,  
Corcaigh T12 R2NC.

Fón: (021) 4276891

R-phost: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Suíomh Gréasáin: [www.corkcoco.ie](http://www.corkcoco.ie)

Planning & Development,  
County Hall,

Carrigrohane Road, Cork T12 R2NC.

Tel (021) 4276891

Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)

Web: [www.corkcoco.ie](http://www.corkcoco.ie)



**The Planning Authority therefore determines** that the said works involved are development and are **not exempted development**.

**Please note that under Section 5 Subsection 3(a) where a declaration is issued under this section, any person issued with a declaration under subsection 2(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.**

Yours faithfully,



**KEVIN O'REGAN,  
SENIOR EXECUTIVE OFFICER,  
PLANNING DEPARTMENT.**

*In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at <https://www.corkcoco.ie/privacy-statement-cork-county-council>*

# Comhairle Contae Chorcaí Cork County Council

Harry Gettings,  
Main Street,  
Rathcormac,  
Co. Cork

29<sup>th</sup> August, 2024

**Our Ref.: D/249/24**

**Re: Declaration of Exempted Development under Section 5 of The Planning and Development Act 2000 – 2010.**

*Whether the change of use from commercial use (public house) at ground and first floor level to residential (provision of 8 no. apartments) at Rovers Rest, Main Street, Rathcormac, Co. Cork is or is not development or is or is not exempted development.*

Dear Sir,

Further to recent correspondence notifying you of a third party Declaration with regard to the above development I enclose for your information copy of the Planning Authority's decision.

Yours faithfully,

  
KEVIN O'REGAN,  
SENIOR EXECUTIVE OFFICER  
PLANNING DEPARTMENT

Encl.

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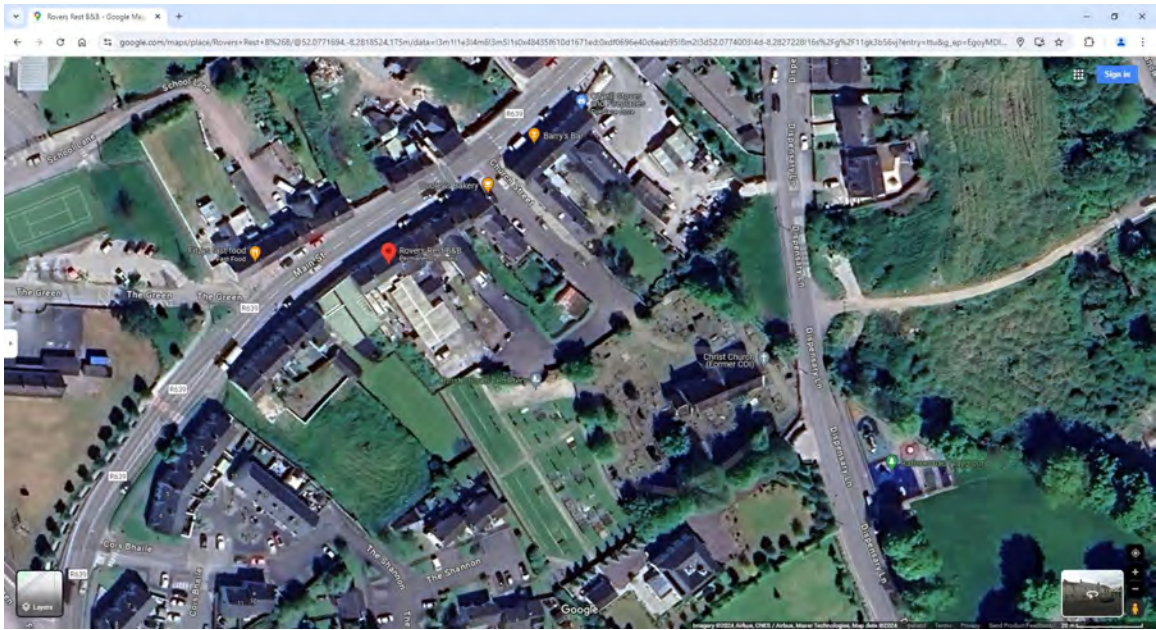
<i>Reference Number</i>	D 249/24
<i>Applicant's Name</i>	K-Con Projects (3 <sup>rd</sup> party application)
<i>Development Description</i>	Whether the change of use from commercial use (public house) at ground and first floor level to residential (provision of 8 no. apartments) is exempted development.
<i>Location</i>	Rovers Rest, Main Street, Rathcormac, Co. Cork, P61 TW84

### **Development Proposal**

McCutcheon Halley Planning Consultants on behalf of the applicants [K-Con Projects] are requesting a declaration of exemption in accordance with Section 5 of the Planning and Development Act (2000, as amended), with Section 5 of the Planning and Development Act (2000-2010) querying whether the change of use from commercial use (public house) at ground and first floor level to residential (provision of 8 no. apartments) is or is not exempted development and is or is not exempted development.

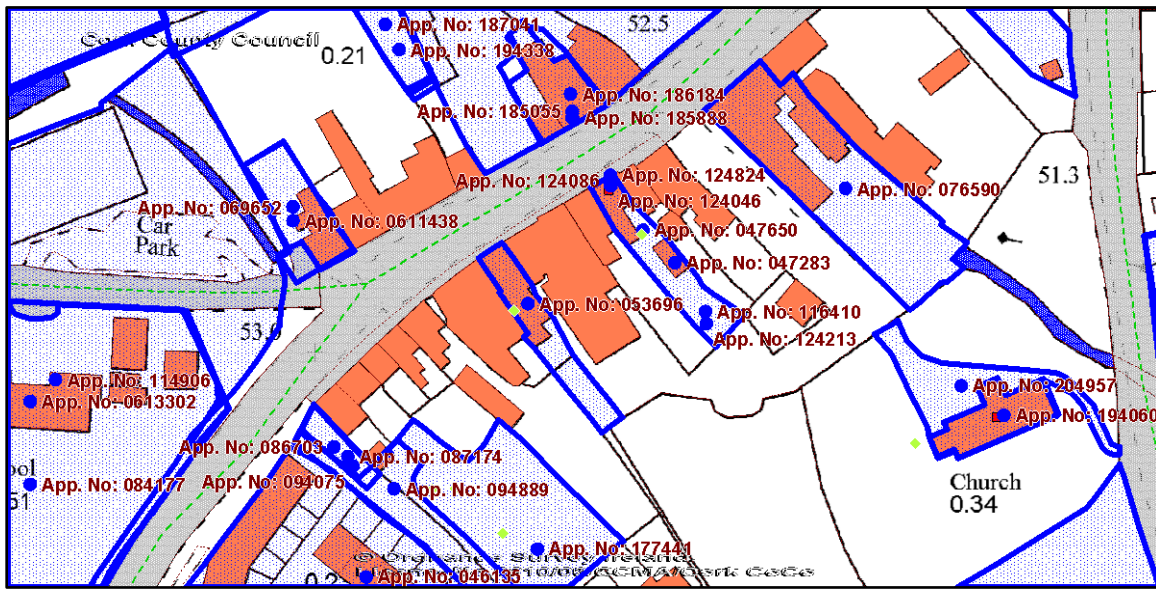
### **Site Description**

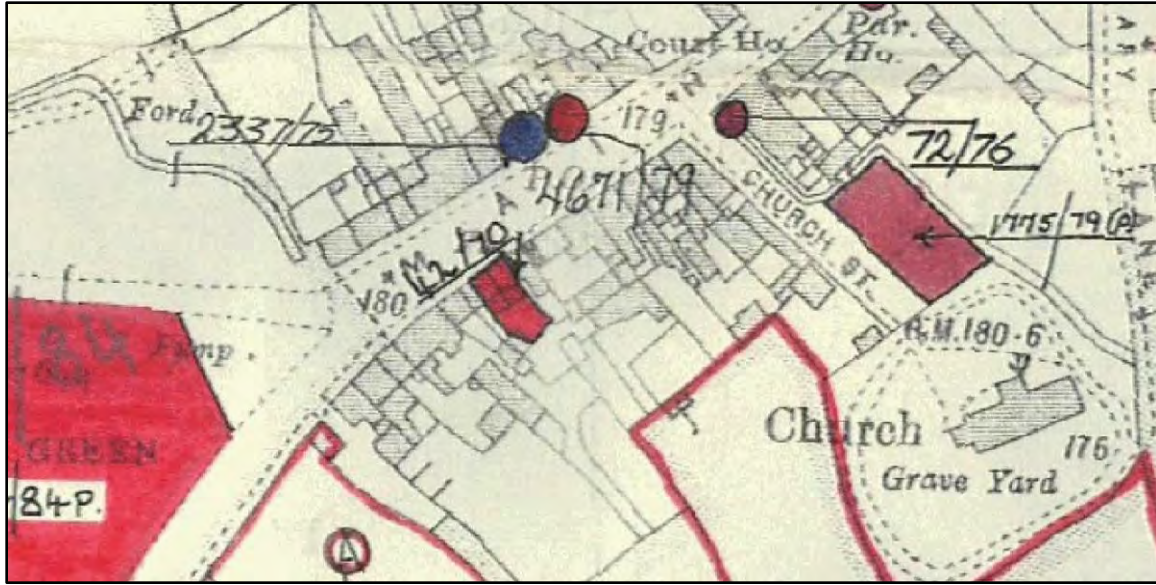
I inspected the site on the 13/08/2024 (see Appendix A below). The subject site is located on the main street in Rathcormac and is host to a two storey vacant unit (previously The Rovers Rest Public House and B&B). Christ Church and Rathcormac Graveyard are situated to the rear of the site which has rear yard access via Church street.



Google Maps Aerial Photo

### Planning History





#### Planning History

##### *Site History:*

97/1434 – permission granted to Padraig O’Driscoll for Extension to lounge bar to include dance area.

##### *Adjacent History:*

05/3696 – permission granted on unit to the south to Archway Properties Ltd. for the Change of use of dwellinghouse to betting office with alterations to elevations at premises between O’Driscolls Bar and Casey’s Tiles.

##### *Nearby History:*

20/4957 – permission granted for the change of use of the former Christ Church (on the Record of Protected Structures and on the Record of Monuments and Places) from church to office/design studio use, minor internal demolitions to form opening to emergency exit corridor, installation of disabled WC and kitchenette and associated services, construction of office pods, material alterations to elevations to include installation of 2 No. roof windows and external glazing unit to south elevation, re-opening east door and window opes with the removal of blockwork and security shutters, stone repairs, replace rain water goods, installation of storm glazing, connection to public sewer and water supply, installation of kerbing to carpark and all associated works.

12/4824 – permission granted on unit to the north to Sarah Sheehan for the Change of use from ground floor retail shop to a two-bedroom apartment consisting of works to a protected structure.

#### Enforcement History

No enforcement history.

## Legislation Context

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

**Section 2** defines “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.

“**structure**” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

(b) in relation to a protected structure or proposed protected structure, includes—

- (i) the interior of the structure,
- (ii) the land lying within the curtilage of the structure,
- (iii) any other structures lying within that curtilage and their interiors, and
- (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

**Section 3 (1)** of the Act states:

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** of the Act sets out developments which shall be exempted development for the Act.

Section 4(1)(h) 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(4) Notwithstanding..... any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

## Planning and Development Regulations (2001, as amended)

**Article 6** stipulates subject to Article 9, development consisting 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 exemption to which article 6 relates. It states that development to which article 6 relates shall not be exempted development for the purposes of the Act in a number of specific instances.

**Article 10 (6)** as per S.I. 75/2022 relates to changes of use of existing commercial buildings to residential use as per the stipulations set out below.

(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 2018 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

(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 sub-paragraph (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).

## Referrals

**County Archaeologist** – email report advising that the proposal is not exempt as it falls within the zone of archaeological notification as set out in the statutory Recorded Monuments historic mapping (see Appendix B).

**From:** Annette Quinn <Annette.Quinn@CorkCoCo.ie>

**Sent:** Wednesday, August 28, 2024 11:17 AM

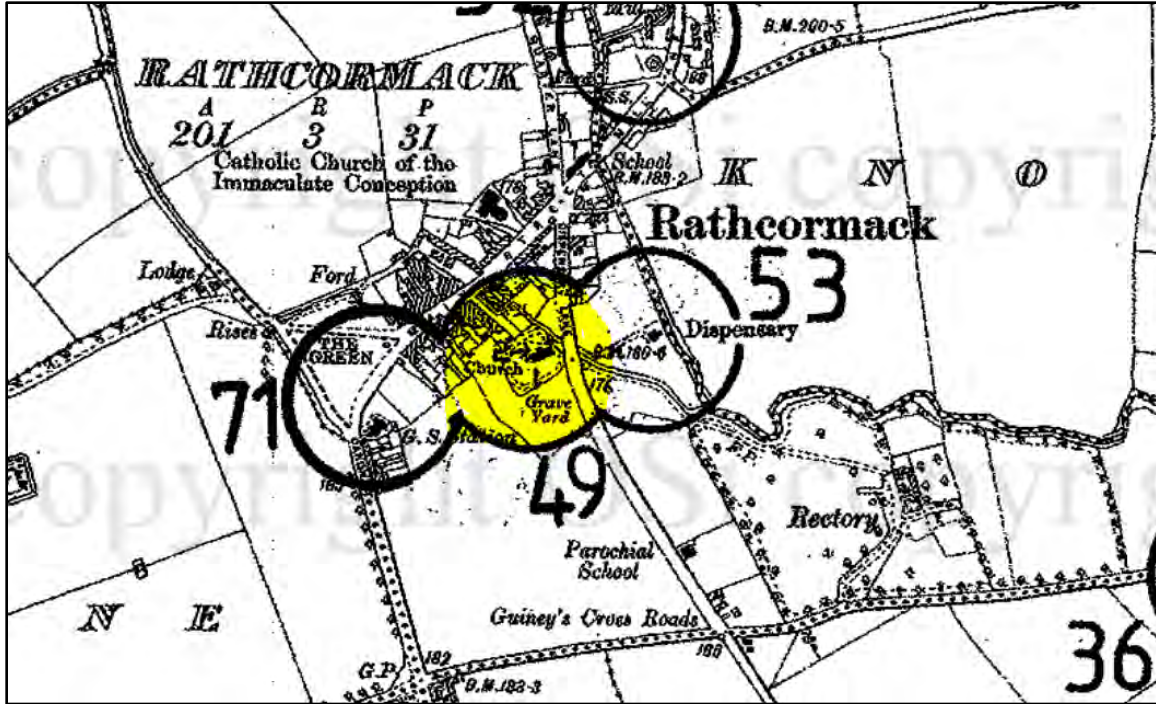
**To:** John Lalor <John.Lalor@CorkCoCo.ie>

**Subject:** RE: Section 5 Ref. No. D/249/24 - Rivers Rest, Main Street, Rathcormac

Hi John

The map extract below is from Sheet 44 of the **Record of Monument and Places** and shows the statutory Zone of Notification surrounding Recorded Archaeological Monument CO044-049. Any works within this ZoN requires a Ministerial Notification application (2 months notice) to the National Monuments Service (if the works are being done outside of a planning application or not licensed by an archaeologist etc).

Works within this zone would therefore mean that the development is not exempt of planning permission.



Regards,

Annette

**Annette Quinn | Oifigeach Seandálaíochta | Pleanáil agus Fobairt**

Comhairle Contae Chorcaí | Halla an Chontae | Corcaigh | T12 R2NC | Éire

Tel: 021-4285329 M 086-1688826

[annette.quinn@corkcoco.ie](mailto:annette.quinn@corkcoco.ie) | [www.corkcoco.ie](http://www.corkcoco.ie)

Tairseach na gcustaiméirí: [www.yourcouncil.ie](http://www.yourcouncil.ie)

**Annette Quinn | County Archaeologist | Planning & Development**

Cork County Council | County Hall | Cork | T12 R2NC | Ireland

Tel: 021-4285329 M 086-1688826

[annette.quinn@corkcoco.ie](mailto:annette.quinn@corkcoco.ie) | [www.corkcoco.ie](http://www.corkcoco.ie)

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**Area Engineer** - has requested that further information be sought on access arrangements for both vehicles and pedestrians ensuring safe access and egress to the apartments in question can be provided and ensuring no adverse effects on adjacent amenities (see email extract below).

**From:** Marie McMahon <Marie.McMahon@CorkCoCo.ie>

**Sent:** Tuesday, August 13, 2024 1:51 AM

**To:** John Lalor <John.Lalor@CorkCoCo.ie>

**Cc:** Eveleen Crowley <Eveleen.Crowley@CorkCoCo.ie>

**Subject:** RE: Section 5 Ref. No. D/249/24 - Rivers Rest, Main Street, Rathcormac

John,

As discussed with regard to the below query for exempted development in Rathcormac, I would have some concerns regarding access and parking for the proposed development.

It appears 4 of the proposed units are accessed from the rear yard. No pedestrian or vehicular access layouts have been provided for the yard, as well as no parking details. The gate into this yard is at the end of a cul de sac which also serves the existing graveyard adjacent. There would be concern for vehicles parking on this laneway blocking access to the graveyard.

Further details would be required with regard to access for both vehicles and pedestrians ensuring safe access and egress to the apartments in question and ensuring no adverse effects on adjacent amenities.

Regards

**Marie Mc Mahon** | [Innealtóir Feidhmiúcháin](#) | [Bóithre agus Iompar](#)

Comhairle Contae Chorcaí | P61 AW63 | Éire

T +353-(0)25 31155

[marie.mcmahon@corkcoco.ie](mailto:marie.mcmahon@corkcoco.ie) | [www.corkcoco.ie](http://www.corkcoco.ie)

**Tairseach na gcustaiméirí:** [www.yourcouncil.ie](http://www.yourcouncil.ie)

**Marie McMahon** | [Executive Engineer](#) | [Roads & Transportation](#)

Cork County Council | Town Hall | Fermoy | P61 AW63 | Ireland

T +353-(0)25 – 31155 |

[marie.mcmahon@corkcoco.ie](mailto:marie.mcmahon@corkcoco.ie) | [www.corkcoco.ie](http://www.corkcoco.ie)

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### EIA

Having reviewed the documentation submitted I am satisfied that an EIA is not required having regard to the nature/scale of development proposed and relevant provisions set out under Schedules 5 and 7 of the Planning and Development Regulations (2001, as amended).

### Appropriate Assessment

The site is located within the screening zone of an existing SPA, namely the Blackwater River SAC (Site Code: 002170) of approximately 0.95km north of same.

The site is located in a fully serviced area. As set out below there appears to be a public foul sewer line running in close proximity to the rear of the existing building. To enable screening to be undertaken the applicant would be required to submit a PCE with UE diversion/build over team as appropriate to establish that a public service connection is feasible.

### Assessment

This section 5 declaration queries whether the change of use from commercial use (public house) at ground and first floor level to residential (provision of 8 no. apartments) is or is not exempted development and is or is not exempted development.

### Description of Proposed Works

In the application form, agents cover letter and associated drawings the applicants have set out that the proposal relates to the proposed change of use of the ground and first floor levels of the unit from commercial use to residential apartments. Associated changes to the building are set out as predominantly internal with external changes highlighted including the change of a ground floor window to a door on the main street building elevation (to provide access) and the addition of 3 no. new ground floor windows to the rear of the building (to comply with Building Regulations).

### Is the Proposal Development?

On the basis of the information submitted it is considered that the proposal amounts to 'works' as defined by Section 2 (1) of the Planning and Development Act (2000, as

amended) and therefore the comes within the meaning of 'development' in accordance with Section 3 of the Planning and Development Act (2000, as amended). The question at hand, therefore, is whether the development is exempted development.

#### Is the Proposal Exempted Development

It is considered that the key legislative provision for determining the query raised is set out under Article 10(6) of the Planning and Development Regulations (2001, as amended).

On the basis of the information available I am satisfied that the unit falls within Classes 6 (guest house) and 12 (Public House) of Schedule 2, Part 4 for the purposes of assessment of Article 10(6) of the Regulations.

The applicant's agent has set out a rationale for consideration of the proposal as exempted development relative to the provisos of Article 10(6) as set out above. It is set out that the works will be undertaken within the appropriate period (i.e. from 8 February 2018 until 31 December 2025). Dimensions of the apartments indicating exceedance of minimum requirements set out in the *Sustainable Urban Housing: Design Standards for New Apartments (July 2023)*. Regarding the proposed external facade changes the application contends the character and appearance of the property to the front will remain largely unchanged and that the new windows to the rear do not face existing property and will not materially affect the external appearance of the structure. Furthermore, the application sets out that restrictions on exemption as per article 9(1)(a) of the Planning and Development Regulations (2001, as amended) do not apply. With regard to private open space/communal amenity space provision a case is made for consideration of the proposal in line with Section 6.9 of the Guidelines to allow for a departure from requirements with respect to vacant buildings.

On the basis of the information available and having reviewed the documentation provided, I am satisfied that the thrust of the proposed change of use from commercial to residential use can be considered relative to Article 10(6) of the Planning and Development Regulations (2001, as amended). The proposal is therefore also assessed against the conditions/limitations of subsection (d) of Article 10(6).

It is noted a condition/limitation of subsection (d)(xi) excludes development of which restrictions on exemption under Article 9 would apply.

Of particular relevance to this case is Article 9(1)(vii) restriction on exemption which refers to the carrying out of development which would "*comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area*

*plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,”* (my emphasis added).

The subject site is located in close proximity to Recorded Archaeological Monuments (i.e. CO044-049002 Church and CO044-049001 Graveyard) and falls within the associated Zone of Notification as per the statutory Recorded Monuments historic mapping. Any works within identified Zones of Notification require a Ministerial Notification application to the National Monuments Service. As per the County Archaeologist report, as the works fall within a Zone of Notification of Recorded Archaeological Monuments the development proposed is not exempt and requires planning permission. The aforementioned restriction on exemption as per Article 9(1)(vii) is therefore applicable having regard to objectives *HE 16-2: Protection of Archaeological Sites and Monuments* and *HE 16-5: Zones of Archaeological Potential* of the Cork County Development Plan (2022). Taking account of the above the proposal is therefore considered to constitute development and not exempted development.

Commenting on the proposal the Area Engineer has expressed some reservations about the indicated access arrangements and has requested that further information be sought on access arrangements for both vehicles and pedestrians ensuring safe access and egress to the apartments in question can be provided and ensuring no adverse effects on adjacent amenities. It is noted that the road to the rear provides access to Rathcormac Graveyard and Christ Church via Church Lane which can become congested at peak times. In order to enable a full assessment as to whether the proposal could *“endanger public safety by reason of traffic hazard or obstruction of road users”* as per Article 9(1)(a)(iii) of the Regulations further information would be required as per the AE’s request to make a determination on this issue.

A further issue to consider relates to the fact that there appears to be a public foul sewer line running in close proximity to the rear of the existing building (see Appendix C). In order to allow AA screening to be completed having regard to Article 9(1)(a)(viiB) Regulations further information would be required to make a determination on this issue in the form of a PCE with UE diversion/build over team as appropriate to establish that a public service connection is feasible.

Regarding the proposed associated external alterations to the building these are assessed against Article 6 (d)(ii)(III) of the Planning and Development Regulations (2001, as amended) which refer to works *“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”* can be deemed to constitute exempted development. In this case the applicants are proposing to replace an existing ground floor window with a door on the main street building elevation (to provide access) and to install 3 no. new ground floor windows to the rear of the building. Having regard to the minimal extent of external alterations proposed I am satisfied that the proposed door/fenestration

amendments as presented would not materially affect the character of the existing/neighbouring structures and can be classed as exempted development as per section 4(1)(h) of the Act and Article 6 (d)(ii)(III) of the Regulations. However, further information would be required for additional drawings to enable a full assessment of the proposal including additional existing/proposed elevation drawings showing the full extent of the lateral/rear elevations of the main building and rear annexe element taking account of any proposed further access modifications.

In relation to the unit sizes/dimensions it is noted that the dwelling floors areas and storage spaces comply with the *Sustainable Urban Housing: Design Standards for New Apartments (July 2023)* standards as per stipulated by Article 9(d)(vi). However, the applicant further information in the form of annotated floorplan drawings showing the internal dimensions of all rooms would be required to enable a full assessment of this aspect of the proposal.

The point raised about the site context/vacant nature and section 6.9 of the Guidelines is noted and accepted. It is also noted that sections 3.39/4.12 of the Guidelines allows for the relaxation of private amenity space/communal amenity space on a case-by-case basis.

## Recommendation

Accordingly, whereas a question has been raised regarding whether the change of use from commercial use (public house) at ground and first floor level to residential (provision of 8 no. apartments) is or is not development and is or is not exempted development at The Rovers Rest, Main Street, Rathcormac, Co. Cork, P61 TW84, involving and having had regard to:

- the details submitted to the Planning Authority on the 29/07/2024
- Sections 2 (1) 3(1), 4 and 5 of the Planning and Development Act (2000, as amended)
- Articles 6, 9 and 10 of the Planning and Development Regulations (2001, as amended)

it is concluded by the Planning Authority that:

the change of use from commercial use (public house) at ground and first floor level to residential (provision of 8 no. apartments) at The Rovers Rest, Main Street, Rathcormac, Co. Cork, P61 TW84 is **development** and is **not exempted development**. The Planning Authority had regard to the following:

- Sections 2 (1) 3(1), 4 and 5 of the Planning and Development Act (2000, as amended)
- Article 6 of the Planning and Development Regulations (2001, as amended)
- Article 9 (1)(a) of the Planning and Development Regulations (2001, as amended)
- Article 10(6) of the Planning and Development Regulations (2001, as amended)



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John Lalor  
Executive Planner  
28/08/2024



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Thomas Watt, SP  
28/08/24



Appendix A: Site Photographs















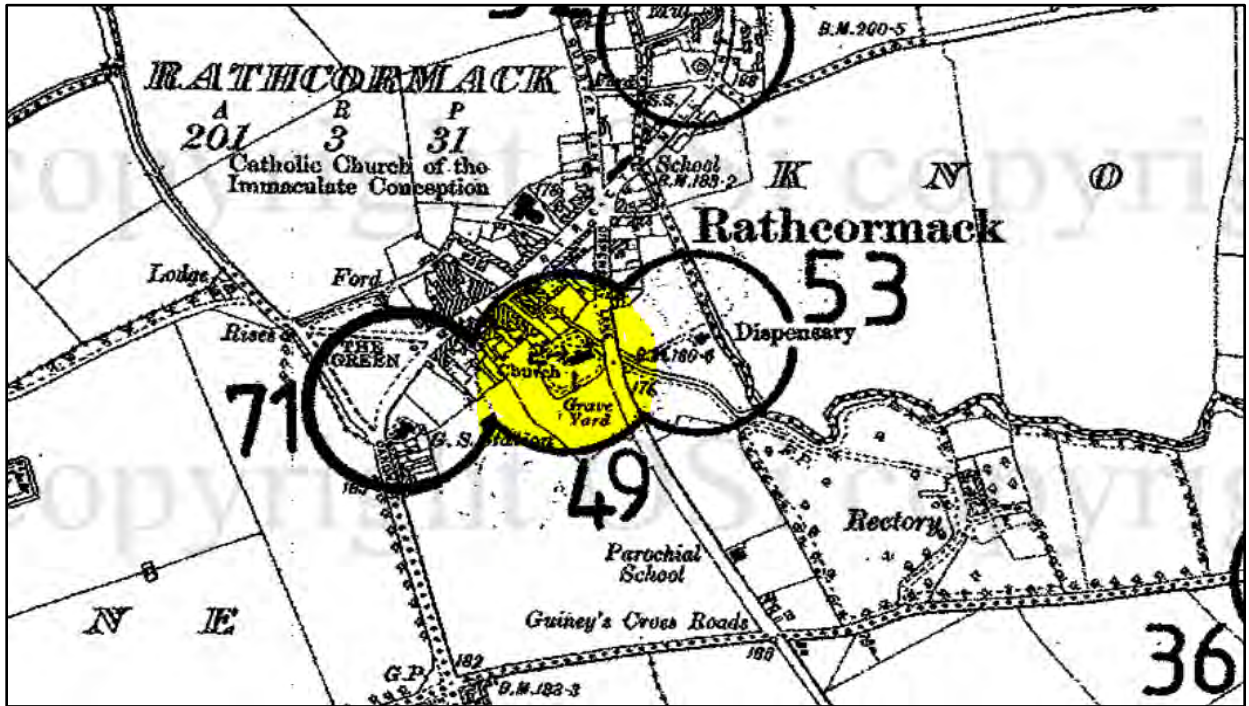




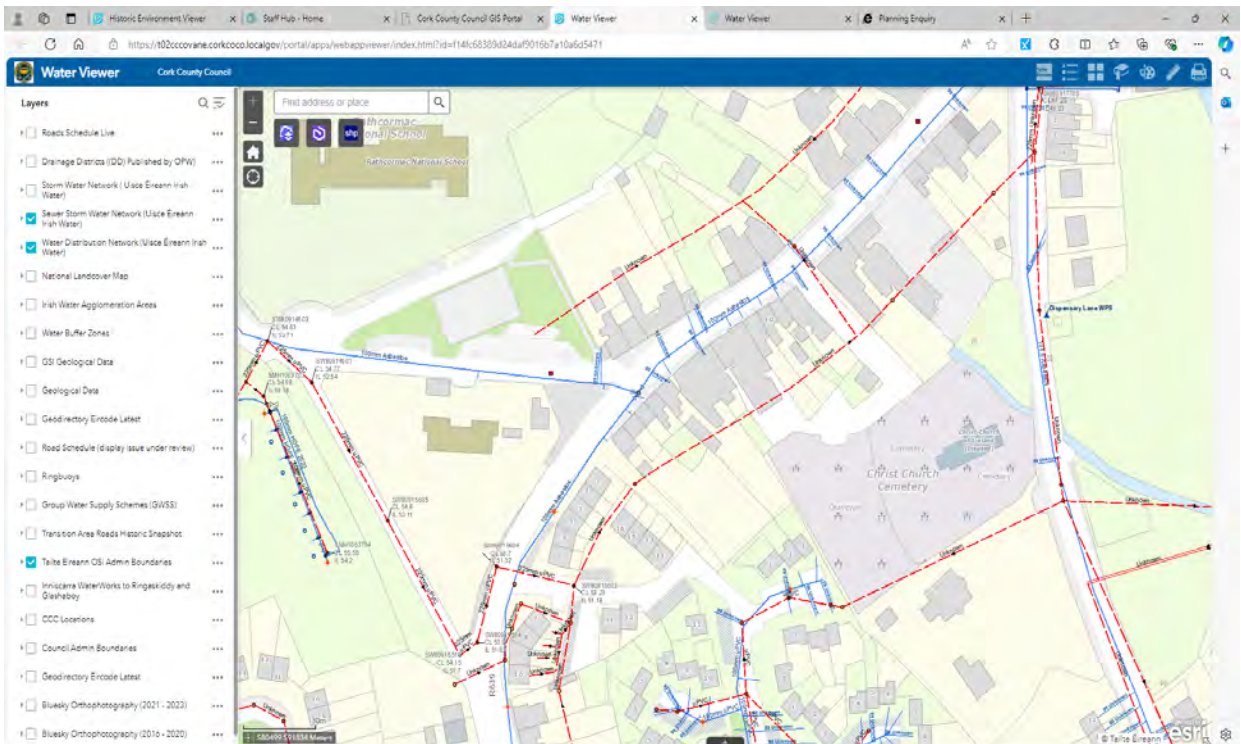


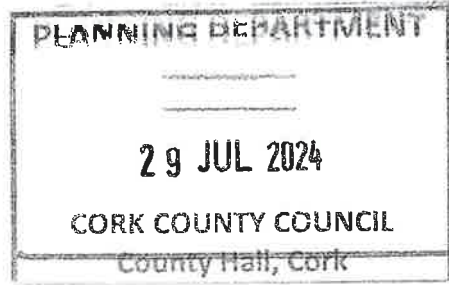


## Appendix B: Extract from Statutory Recorded Monuments Historic Mapping



## Appendix C: Extract from CCC Water Viewer showing public service lines





26<sup>th</sup> July 2024

The Secretary  
Planning Department  
Cork County Council  
Carrigrohane Road,  
Cork

**Re: Request for a Section 5 Declaration seeking confirmation that change of use from commercial (public house) use at ground and first floor level to provide 8 apartments at Rivers Rest, Main Street, Rathcormac, Co. Cork is exempted development.**

Dear Sir/Madam,

We, McCutcheon Halley Planning Consultants, of 6 Joyce House, Barrack's Square, Ballincollig, Co. Cork act on behalf of our client K-Con Projects, with an address at no. 7 Glencorin, Watergrasshill, Cork, who is the prospective purchaser of Rovers Rest, Main Street, Rathcormac, Co. Cork, P61 TW84. The owner of the site is Harry Gettings and details are set out in the Section 5 Application form submitted with this declaration. Our client requests a declaration in accordance with Section 5 of the Planning and Development Act 2000 (as amended), seeking confirmation that *the change of use from commercial use to provide 8 no. apartments at Rovers Rest*, is exempted development on the basis that:

- The change of use from commercial (public house) use at the ground and first floor levels, to provide 8 no. apartments at Rovers Rest, Main Street, Rathcormac, Co. Cork, is exempted development under the Planning and Development Regulations.
- The associated works to facilitate the proposed use are predominantly internal works, with the exception of a ground floor window being replaced with an additional door to provide an entrance from Main Street and the addition of 3 new windows at ground floor to the rear of the building. The change from a window to a door does not provide any additional openings, but only replaces one with another, and therefore this will not have a significant material impact on the external appearance of the structure. The addition of 3 new ground floor windows to the rear are required for the proposed new bedrooms to ensure they comply with the building regulations. The three new windows to not face an existing adjoining boundary and will not materially affect the external appearance of the structure.

The remainder of the declaration request is set out as follows:

1. **Site and Planning Context**
2. **Planning Legislation/Regulations**
3. **Assessment**
4. **Conclusion**

## Site and Planning Context

The property subject of this declaration is located at ground and first floor level of a commercial building/public house located at Rovers Rest, Main Street, Rathcormac, Co. Cork. The subject site is situated in the heart of Rathcormac town centre. The existing building features a simple facade fronting onto Main Street (R639) and with 2 no. front entrances for street access. The site is currently identified as a commercial property, more specifically a public house with a lounge and a large backyard and the first floor contains 7 bedrooms. The property is currently vacant and has been for a number of years (i.e. greater than 2 years).

The area surrounding the building offers a mix of retail and commercial uses, with residential neighbourhoods nearby in the general town centre. Green spaces are visible to the south of the development. The location benefits from numerous amenities, including a church and a national school. There is convenient access to bus stops within close proximity.

Additionally, Fermoy Town Centre is just a 10-minute drive away, while Cork City Centre can be reached within 30 minutes, providing excellent connections to employment opportunities.

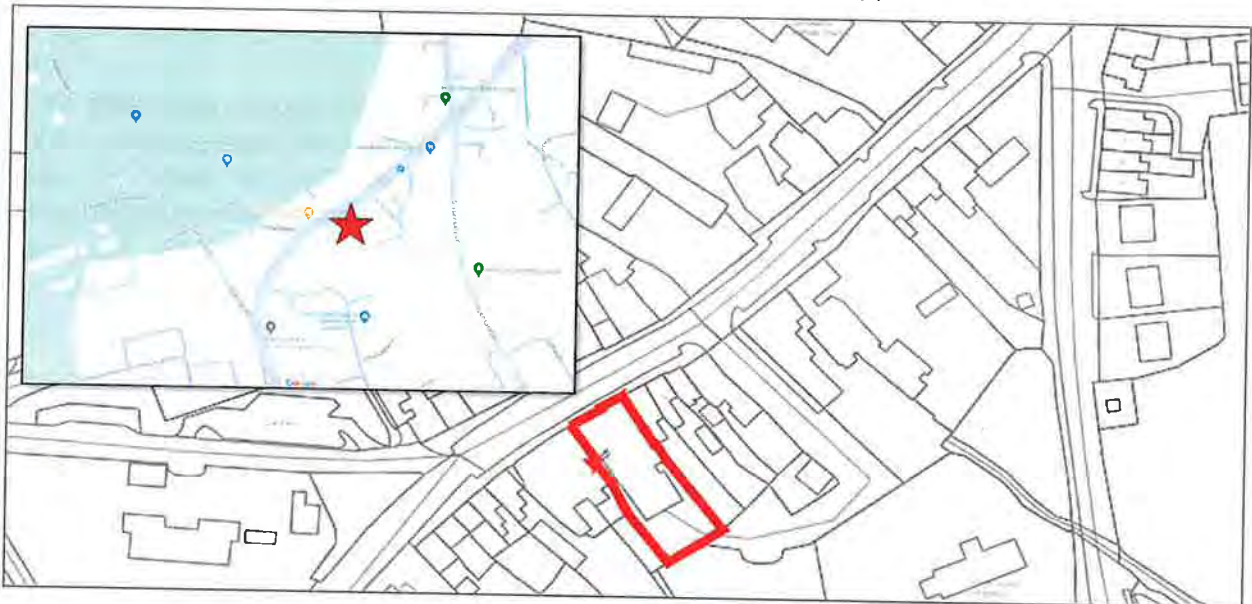


Figure 1 Property at Rovers Rest, Main Street, Rathcormac, Co. Cork.



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Figure 2 Property at Rovers Grove subject to change of use.

The building forms part of a permission which was granted by Cork County Council for an extension to lounge bar to include a dance area in September 1997 under Planning Reference 97/1434. The drawings submitted in 1997 indicate that the first floor was in use at this time as a guesthouse accommodation associated with the primary use as a public house.

In terms of planning policy for the area, in the Cork County Development Plan 2022 (CDP), the site is zoned as "RK-T-01: Town Centre / Neighbourhood Centres". Based on the objective ZU 18-17: Town Centres / Neighbourhood Centres of the CDP, it is an objective to;

*a) Promote the development of town centres and neighbourhood centres as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public. The primary retail areas will form the main focus and preferred location for new retail development, appropriate to the scale and function of each centre and in accordance with the Retail Strategy. **Residential development will also be encouraged** particularly in mixed use developments while the use of upper floors of retail and commercial premises in town centres for residential use will in particular be encouraged.*

*b) Recognise that where it is not possible to provide the form and scale of development that is required on a site within the core area, consideration can be given to sites on the edge of the core area based on sequential approach.*

Appropriate Uses in Town Centre/Neighbourhood Centres consist of Retail, cultural uses, recreation uses, hotel, bed and breakfast, public houses, financial services, professional services, medical and healthcare services, leisure facilities, places of worship, **residential**, mixed residential, childcare facilities, education facilities, community facilities, civic uses, offices, public transport facilities, car parks, funeral homes.

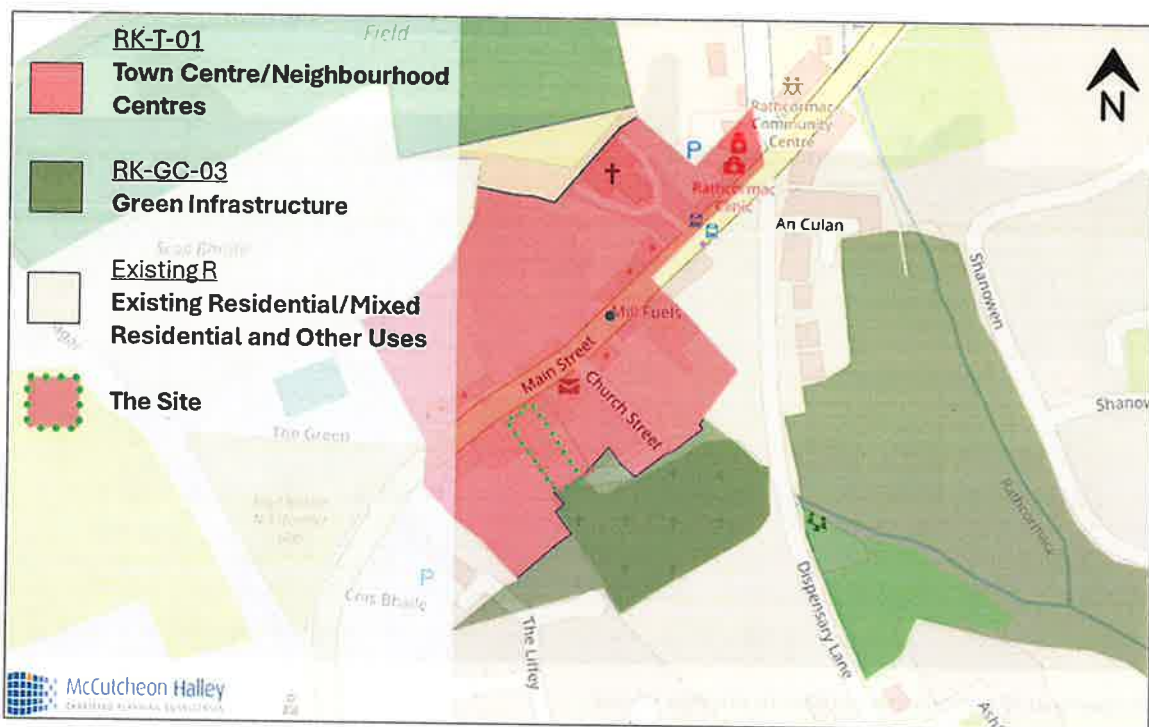


Figure 3 Zoning Map Clipping from the CDP

## Planning Legislation/Regulations

In order to assess this declaration request, regard must be had to the 2000 Planning and Development Act (as amended) and the 2001 Planning and Development Regulations (as amended). In 2018, the Planning Regulations were amended to provide for an exemption from the requirement to obtain planning permission in respect of the change of use of certain vacant commercial premises, to residential use. On the 25<sup>th</sup> of February 2022, the Planning and Development Act (Exempted Development) Regulations 2022 extended to 31<sup>st</sup> of December 2025, the exemption given by the 2018 regulations and included some additional amendments/exemptions as outlined below.

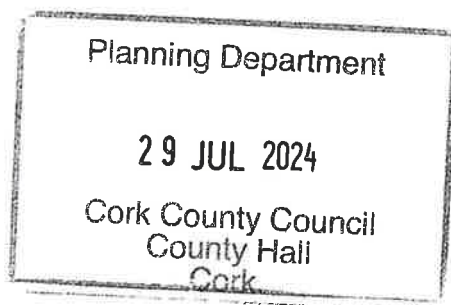
### Planning and Development Act, 2000 (As Amended)

**Section 2(1)** of the 2000 Planning and Development Act, as amended, includes the following definitions which are of relevance to this assessment;

*“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)** of the PDA defines “Development” as, ‘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** of the PDA relates to ‘Exempted Development’ and subsection (1) sets out categories of development that shall be exempted development, including subsection 4(1)(h) which includes:



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*'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)(a)** states that the Minister may by regulations provide for any class of development to be exempted development where he or she is of the opinion that the carrying out of such development by virtue of its size, nature or limited effect on its surroundings, would not offend against the principles of proper planning and sustainable development. **Section 4(2)(b)** of the Act states that regulations under paragraph (a) may be made subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

### **Planning and Development Regulations, 2001 (As Amended)**

The extent to which the classes of development specified in Part 1 of the Second Schedule are exempted is governed by Article 9(1)(a) and that article is itself subject to the restrictions on exemption which includes the following:

*(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*

*(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*

*(iii) endanger public safety by reason of traffic hazard or obstruction of road users;*

*(iv) ... comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line 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,*

*(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed ....*

*(viiB) ... development that would be likely to have a significant effect on the integrity of a European site...*

*(viiC) ... development that would be likely to have an adverse impact on a natural heritage area...*

*(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,*

*(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified 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,

(xi) obstruct any public right of way,

(xii) consist of or comprise the carrying out of works to the exterior of a structure within an architectural conservation area...

In addition to this, **Article 10** further outlines the classes of development which are exempted. Article 10 (6) (as amended under SI 600 of 2001) The Principal Regulations are amended in article 10 (as amended by article 2 of the Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018)) by substituting for sub article (6) the following:

(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.

(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.

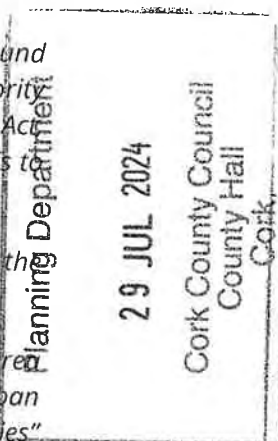
(ii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

(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.



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*(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 sub-paragraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.*

Each of the above conditions/restrictions are considered further in relation to our clients proposed development in the section below.

## Assessment

In this case, our client requests a declaration in accordance with Section 5 of the Planning and Development Act 2000, seeking confirmation that the change of use from a Public House (Class 12) at ground and associated 7 bedrooms at first floor level to provide 8 no. apartments is exempted development in accordance with the 2022 Regulations, on the basis that:

1. The structure at Rovers Rest, Main Street, Rathcormac was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018 (i.e. on the 8th February 2018).
2. The proposed works comply with the floor area and storage requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
3. The structure has been vacant for greater than 2 years.
4. The works will be commenced after 8<sup>th</sup> February 2018 and completed before the 31<sup>st</sup> December 2025.
5. Then proposed plan for this building is to make use of a vacant property in the heart of Rathcormac to provide essential residential accommodation.

The proposed plans provide a high-quality living environment for prospective residents and complies with the key criteria outlined in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (Apartment Standards).

<b>Apartment Schedules and Apartment Standards</b>								
<b>Areas 1-Bed Apartments</b>	<b>Guidelines</b>	<b>GF Unit 1</b>	<b>GF Unit 2</b>	<b>GF Unit 4</b>	<b>GF Unit 5</b>	<b>GF Unit 6</b>	<b>FF Unit 7</b>	<b>FF Unit 8</b>
Total Floor Area	45 m <sup>2</sup>	54 m <sup>2</sup>	58 m <sup>2</sup>	51 m <sup>2</sup>	53.6 m <sup>2</sup>	47.9 m <sup>2</sup>	45 m <sup>2</sup>	53 m <sup>2</sup>
Storage Space	3 m <sup>2</sup>	3 m <sup>2</sup>	5.8 m <sup>2</sup>	3.2 m <sup>2</sup>	4.4 m <sup>2</sup>	3 m <sup>2</sup>	3.115 m <sup>2</sup>	3 m <sup>2</sup>
Kitchen/Living/ Dining (aggregate)	23 m <sup>2</sup>	27.7 m <sup>2</sup>	24.05 m <sup>2</sup>	24.03 m <sup>2</sup>	24 m <sup>2</sup>	23.4 m <sup>2</sup>	23 m <sup>2</sup>	28.3 m <sup>2</sup>
Bedroom (area)	7.1 m <sup>2</sup>	12.7 m <sup>2</sup>	12.6 m <sup>2</sup>	13.9 m <sup>2</sup>	13 m <sup>2</sup>	11.43 m <sup>2</sup>	11.1 m <sup>2</sup>	11.55 m <sup>2</sup>
<b>Areas 2-Bed Apartments</b>	<b>Guidelines</b>	<b>GF Unit 3</b>						
Total Floor Area	63 m <sup>2</sup>	75 m <sup>2</sup>						
Storage Space	5 m <sup>2</sup>	5.1 m <sup>2</sup>						
Kitchen/Living/ Dining (aggregate)	28 m <sup>2</sup>	31 m <sup>2</sup>						
Bedroom (area)	11.4 m <sup>2</sup>	19.23 m <sup>2</sup>						

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Table 1 Compliance with the standard outlined in the 2023 Apartment Guidelines

To accommodate the 8 no. apartments within the existing structure, the addition of an entrance existing to the building is necessary. This will be the sole alteration to the front façade, and it is considered minimal since the current window opening will simply be converted into a door. As such, the overall impact on the façade facing Main Street will be negligible. The transformation maintains the architectural integrity and visual continuity of the building, ensuring that the character and appearance of the property remain largely unchanged. The proposal also includes the addition of 3 new windows at ground floor to the rear of the building. The addition of 3 new ground floor windows to the rear of the building are required for the proposed new bedrooms to ensure they comply with the

building regulations. The three new windows to not face an existing adjoining boundary and will not materially affect the external appearance of the structure.



Figure 4 Existing and proposed front elevations.

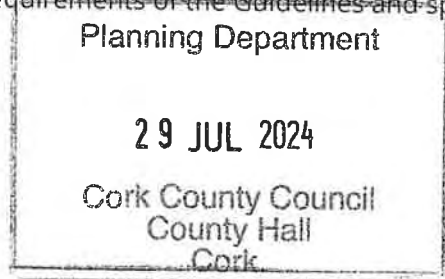
In addition to the above, the proposed change of use also complies with the provisions of Article 9(1)(a) of the Planning Regulations in that the proposed change of use:

- will not contravene a condition attached to a permission.
- will not consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway.
- will not endanger public safety by reason of traffic hazard or obstruction of road users.
- will not comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building.
- will not interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation.
- will not have any effect on the integrity of a European site or natural heritage area.
- will not consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure.
- will not preclude or restrict the continuance of the existing use.
- will not obstruct any public right of way.
- will not comprise works to a protected structure or the carrying out of material works to the exterior of a structure within an architectural conservation area – as can be seen from the existing and proposed drawings by McNamara and Partners, the works are predominantly internal only and do not materially affect the external appearance of the building.
- Does not 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.
- Does not exceed 9 residential units.
- The apartment floor areas and storage spaces 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” – See Table below for details.
- The habitable rooms have good quality natural lighting.
- The development does not relate to a structure in a special amenity area/planning control and is not near a Seveso site.
- The proposed plans provide a high-quality living environment for prospective residents and complies with the key criteria outlined in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities.

In addition to compliance with the apartment standards outlined above, there is also provision for bin and bike storage on the ground floor to the rear of the building, to comply with this aspect of the 2023 Guidelines.

In considering this declaration request, it also should be noted that based on a review of other Section 5 Declarations made by the Council in recent years regarding the change of use from commercial to residential uses, a requirement to adhere to private and communal amenity spaces has not always been requested for development to be deemed exempted.

We would also like to make the case that Section 6.9 of the Guidelines allow for departures from the requirements of the Guidelines and specifically request planning authorities to:



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*“practically and flexibly apply the general requirements of these guidelines in relation to refurbishment schemes, particularly in historic buildings, some urban townscapes and ‘over the shop’ type or other existing building conversion projects, where property owners must work with existing building fabric and dimensions. Ultimately, building standards provide a key reference point and planning authorities must prioritise the objective of more effective usage of existing underutilised accommodation, including empty buildings and vacant upper floors commensurate with these building standards requirements.”*

Considering the existing footprint of the development and its central location to Rathcormac, we assert that maintaining the integrity of the town centre should take precedence. Consequently, the standards regarding private and communal amenities should not be considered a priority in this assessment. Preserving the existing fabric of the town centre is crucial to sustaining its historical and cultural significance, and any rigid imposition of amenity standards could disrupt this delicate balance. Therefore, flexibility in these standards is essential to ensure that the development works with the surrounding environment without compromising its character and functionality.

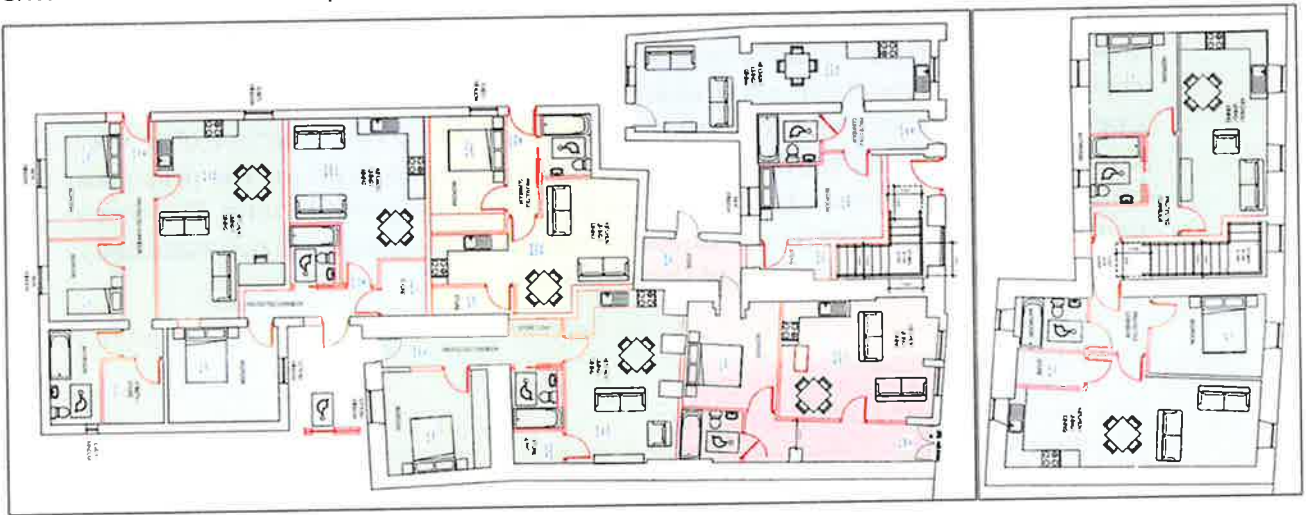


Figure 5 Proposed Ground (left) & First (right) Floor Units

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## Conclusion

The proposed change of use from commercial use to provide 8 no. apartments complies with the criteria included in the Planning Regulations and the physical/proposed works are exempted development under Section 4(1)(h) of the Planning and Development Act.

Accordingly, it is submitted that the change of use from commercial use to provide 8 no. apartments at Rovers Rest, is exempted development on the basis that:

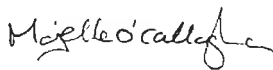
- **The change of use from commercial (public house) use at the ground and bedrooms at first floor levels, to provide 8 no. apartments at Rovers Rest, Main Street, Rathcormac, Co. Cork, is exempted development under the Planning and Development Regulations.**
- **The associated works to facilitate the proposed use are predominantly internal works, with the exception of a ground floor window being replaced with an additional door to provide entrance from Main Street and the addition of 3 new windows at ground floor to the rear of the building. The change from a window to a door at the front façade does not provide any additional openings, but only replaces one with another, and therefore this will not have a significant material impact on the external appearance of the structure. The addition of 3 new ground floor windows to the rear of the building are required for the proposed new bedrooms to ensure they comply with the building regulations. The three new windows to not face an existing adjoining boundary and will not materially affect the external appearance of the structure.**

In accordance with the Council's requirements for Section 5 declarations, please find enclosed 4 no. copies of the following information:

1. This cover letter and declaration form which includes the applicant's name and address; the location of development; and the nature of development.
2. The correspondence address which is: McCutcheon Halley Planning Consultants, 6 Joyce House, Barrack Square, Ballincollig, Cork City.
3. Ordnance Survey Map (identifying site location),
4. Drawings and Plans for the proposed residential units by MMOS Consulting Civil & Structural Engineers.
5. The appropriate referral fee of €80.

Please do not hesitate to contact us should you require any further information.

Yours sincerely



Majella O'Callaghan  
McCutcheon Halley





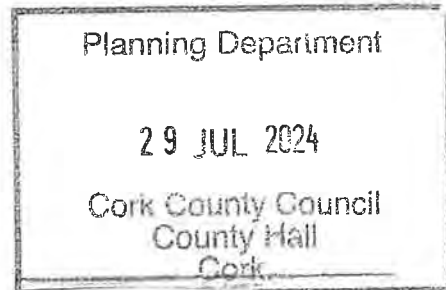
## **CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION**

### **APPLICANT CHECKLIST**

(Please tick ✓)

- 4 No. Copies of Application Form:**
- 1 No. Copy of Contact Details:**
- 4 No. Copies 6" O.S. Maps:**
- 4 No. Copies 25" O.S. Maps:**
- 4 No. Copies of Site Layout Plan:**
- 4 No. Copies Scaled Drawings of Development:**
- €80 Application Fee:**

x
x
x
x
x
x



### **FOR OFFICE USE ONLY**

Receipt No.	BTFOO05652
Cash/Cheque/ Credit Card	EFT
Date	31/7/24
Declaration Ref. No.	D/249/24

**DATE STAMP HERE**

**You should make sure that you are satisfied that any information/documentation that you submit is appropriate to be viewed by the public. Please do not submit any information that you do not want 3<sup>rd</sup> parties to view.**

- In the case of a Declaration of Exemption for Land Reclamation, the following additional information is required:
- A copy of the details submitted to the Council's Environment Department (Inniscarra) for a Waste Licence Permit
  - Correspondence from Teagasc (detailing how the land reclamation would benefit the land in question for agricultural purposes)
  - Details of existing and proposed levels
  - Details of fill material and duration of fill.

### **DATA PROTECTION**

The planning process is an open and public one. In that context, all applications for Declarations of Exemption are made available for public inspection.

*Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at <http://www.corkcoco.ie/Privacy-Policy> or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to [dpo@corkcoco.ie](mailto:dpo@corkcoco.ie) or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.*



**1. NAME OF APPLICANT: (ADDRESS TO BE SUPPLIED AT QUESTION A – CONTACT DETAILS)**

K-Con Projects Limited

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

Rovers Rest, Main Street, Rathcormac, Co. Cork, P61 TW84

**3. QUESTION/DECLARATION DETAILS:**

Please state the specific question for which a Declaration of Exemption is sought  
Note: Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption

Seeking confirmation that the change of use from commercial use (public house) at ground and first floor level to provide 8 no. apartments at Rovers Rest, Main Street, Rathcormac, Co. Cork is exempted development - see attached cover letter for further details.

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**4. 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 metres (m<sup>2</sup>)

(a) Floor area of existing/proposed structure(s):	Refer to MMOS Drawings submitted with application
(b) If a domestic extension is proposed, 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 (m <sup>2</sup> ) and previous planning reference(s) where applicable: Pl. Ref. No. 97/1434 - Extension to Public House
(c) If a change of use of land and/or building(s) is proposed, please state the following:  Existing/previous use  Public House (currently vacant)	Proposed use  Residential Apartments  29 JUL 2024 Cork County Council County Hall Cork
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

**5. LEGAL INTEREST OF APPLICANT IN THE LAND/STRUCTURE:**

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input type="checkbox"/>	B. Other <input checked="" type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	Prospective Purchaser	
If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):	Harry Gettings	

**6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:**

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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: Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please state relevant reference No. _____
Is this site located within an Architectural Conservation Area (ACA), as designated in the County Development Plan? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

**7. APPROPRIATE ASSESSMENT:**


Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes  No

**8. DATA PROTECTION DECLARATION:**

In order for the Planning Authority to process the personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <http://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

**Processing of your Declaration of Exemption application by the Planning Authority**

I give permission for my personal information to be processed for the purpose stated above

Signed (By Applicant Only)	
Date	07-06-24

**GDPR Special Categories of data / Sensitive Personal data - Explicit Consent**

Where Special Categories of personal data / sensitive personal data are provided as part of / in support of a declaration application, **explicit consent** to the processing of the special categories of data must be given by the person to whom the data refers, namely the Data Subject.


Special Categories of data / Sensitive Personal data include:

- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation

In order for the Planning Authority to process the sensitive personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <https://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

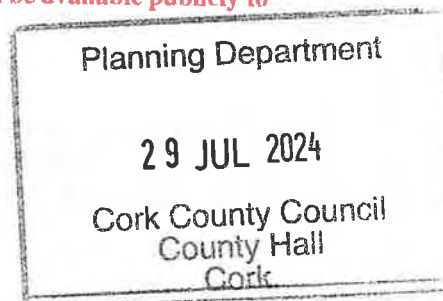
**Sensitive personal data being submitted in support of Declaration of Exemption Application**

I give permission for my sensitive personal data submitted to the Planning Authority to be processed for the purpose stated above.

Signed	
Date	07-06-24

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie) or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: [westcorkplanninginfo@corkcoco.ie](mailto:westcorkplanninginfo@corkcoco.ie) However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

**Please note that all information / supporting documentation submitted will be available publicly to view at the Planning Authority offices.**



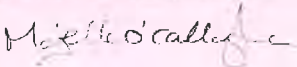
**ADVISORY NOTES:**

The application must be accompanied by the required fee of €80  
 The application must 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 Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- 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 of Exemption is sought.
- Any person issued with a Declaration of Exemption may on payment to An Bord Pleanála refer a Declaration of Exemption for review by the Board within 4 weeks of the date of the issuing of the Declaration of Exemption decision.
- In the event that no Declaration of Exemption 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 of Exemption was due to be issued by the Planning Authority.

*The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption 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.*

**9. I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the Planning and Development Acts 2000, as amended and the Regulations made thereunder:**

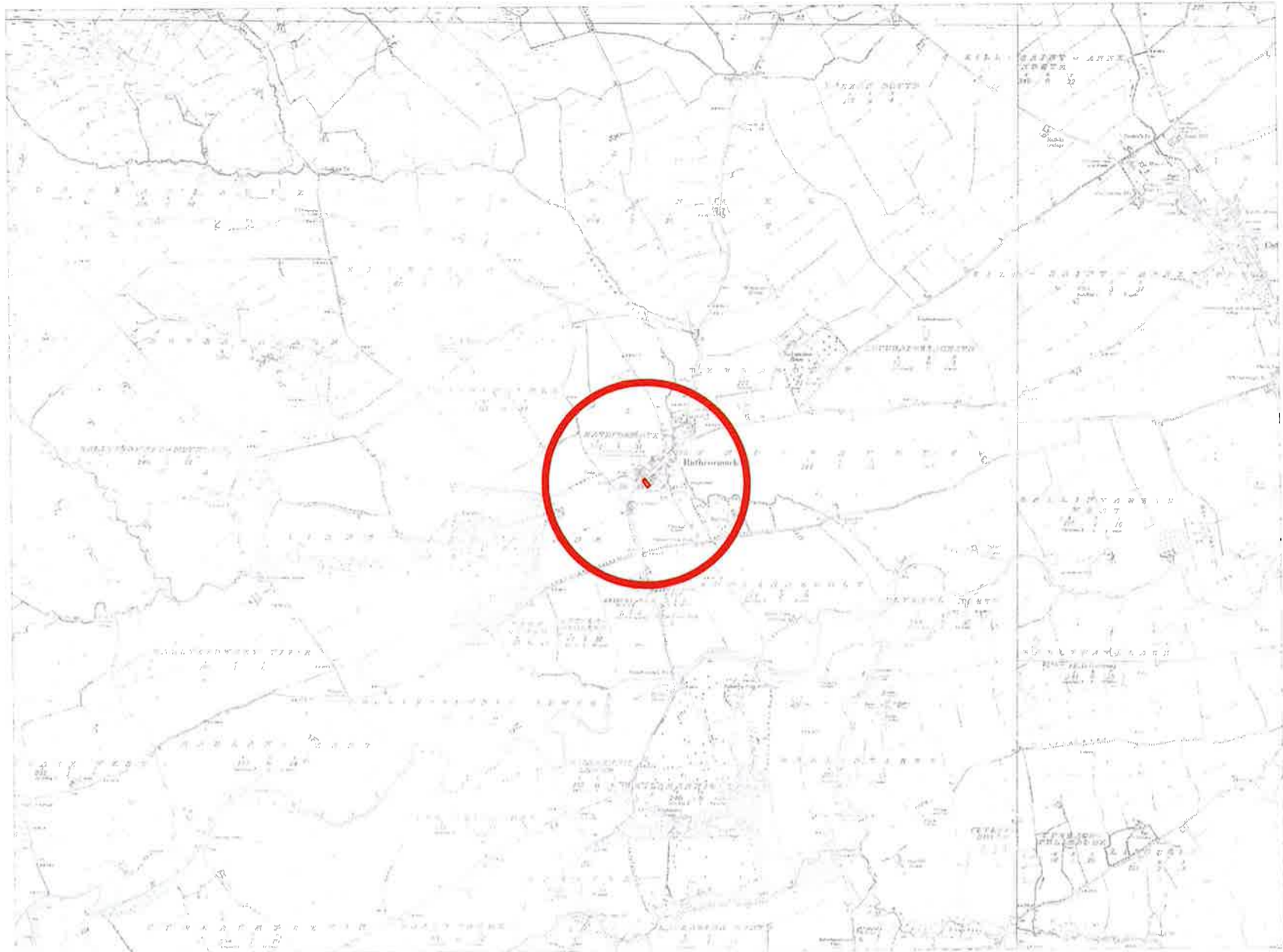
Signed (Applicant or Agent as appropriate)	
Date	26th July 2024

Planning Department

**29 JUL 2024**

Cork County Council  
 County Hall  
 Cork.

URX,URY= 584131.9035,594348.8438



Description:  
 Historic 6" Latest Edition  
 Publisher / Source:  
 Ordnance Survey Ireland (OSI)  
 Data Source / Reference:  
 CK035  
 Revision Date =  
 Survey Date = 31-Dec-1932  
 Levelled Date = 31-Dec-1935  
 CK036  
 Revision Date =  
 Survey Date = 31-Dec-1932  
 Levelled Date = 31-Dec-1935  
 CK044  
 Revision Date =  
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 CK045  
 Revision Date =  
 Survey Date = 31-Dec-1931  
 Levelled Date = 31-Dec-1935  
 File Format:  
 Tagged Image File Format (TIFF)  
 File Name:  
 R\_50390795\_2.tif  
 Clip Extent / Area of Interest (AOI):  
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 ULX,ULY= 577121.9035,594348.8438  
 URX,URY= 584131.9035,594348.8438  
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 Centre Point Coordinates:  
 X,Y= 580626.9035,591751.8438  
 Data Extraction Date:  
 Date= 25-Mar-2024  
 Product Version:  
 Version= 1.3  
 License / Copyright:  
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 Please visit 'www.osi.ie/about/terms-conditions'.  
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LLX,LLY= 577121.9035,589154.8438

Site Location Map  
Scale 6 Inch

— Denotes Site Location



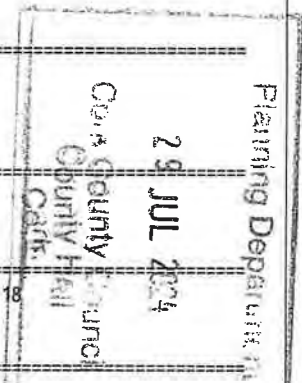
SCALE  
6 Inch at A3  
 PROJECT NUMBER  
24076  
 DOCUMENT REFERENCE  
24076-MMS-ZZ-ST-MP-C-11001  
 S2  
 P01

**MMOS**  
 MURPHY · MATSON · O'SULLIVAN  
 CONSULTING CIVIL & STRUCTURAL ENGINEERS  
 The Chapel,  
 Blackrock House,  
 Blackrock Road,  
 Cork, T12 KFK7  
 Tel : 353 21 4317608

URX,URY= 580792.9035, 591874.8438

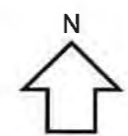


Description:  
 Digital Landscape Model (DLM)  
 Publisher / Source:  
 Ordnance Survey Ireland (OSi)  
 Data Source / Reference:  
 PRIME2  
 File Format:  
 Autodesk AutoCAD (DWG\_R2013)  
 File Name:  
 v\_50390795\_2.dwg  
 Clip Extent / Area of Interest (AOI):  
 LLX,LLY= 580460.9035,591628.8438  
 LRX,LRY= 580792.9035,591628.8438  
 ULX,ULY= 580460.9035,591874.8438  
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 Centre Point Coordinates:  
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 Reference Index:  
 Map Series | Map Sheets  
 1:2,500 | 6060-C  
 Data Extraction Date:  
 Date= 25-Mar-2024  
 Source Data Release:  
 DCMLS Release V1.174.118  
 Product Version:  
 Version= 1.4  
 License / Copyright:  
 Ordnance Survey Ireland 'Terms of Use' apply.  
 Please visit 'www.osi.ie/about/terms-conditions'.



LLX,LLY= 580460.9035, 591628.8438

— Denotes Site Boundary

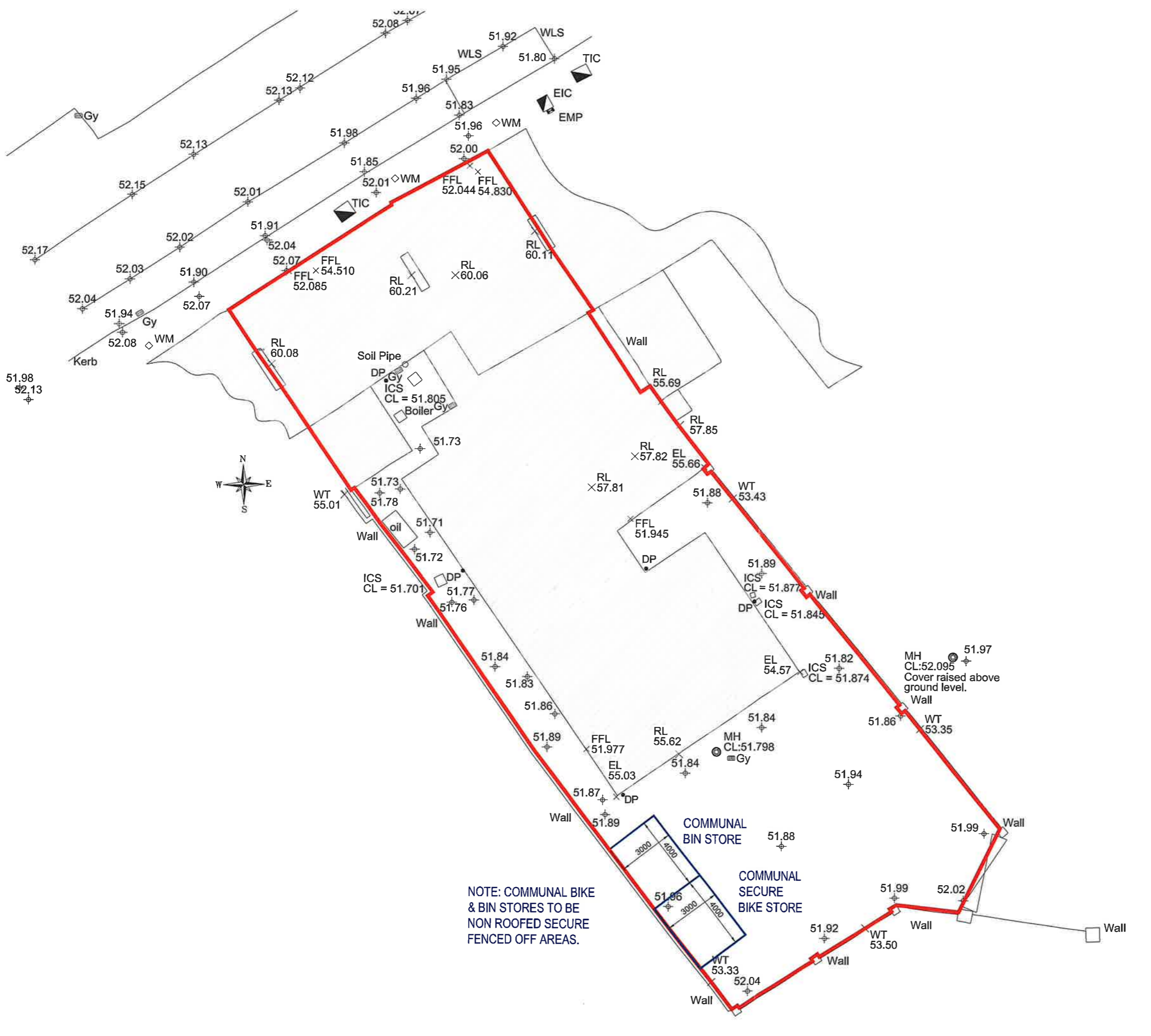


Site Location Map  
Scale 1:1000

SCALE 1:1000 at A3	PROJECT NUMBER 24076
DOCUMENT REFERENCE 24076-MMS-ZZ-ST-MP-C-11000	STATUS S2
PROJECT ORIGINATOR-ZONE-LEVEL-TYPE-GRIDLINE NUMBER	REV P01

**MMOS**  
 MURPHY · MATSON · O'SULLIVAN  
 CONSULTING CIVIL & STRUCTURAL ENGINEERS

The Chapel,  
 Blackrock House,  
 Blackrock Road  
 Cork, T12 KRK7  
 Tel : 353 21 4317608



NOTE: COMMUNAL BIKE & BIN STORES TO BE NON ROOFED SECURE FENCED OFF AREAS.

Planning Department  
 29 JUL 2024  
 Cork County Council  
 County Hall  
 Cork

Rev	Sts	Description	Date
P01	S2	Issued for Information	20.05.24
P02	S2	Issued for Information	23.07.24

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 CONSULTING CIVIL & STRUCTURAL ENGINEERS  
 The Chapel, Blackrock House, Blackrock Road, Cork, T12 KRK7  
 Tel: 353 21 4317608

PROJECT  
 Proposed Apartment Development, Rovers Rest, Rathcormac

CLIENT  
 Doyle Brothers

TITLE  
 Site Layout Plan

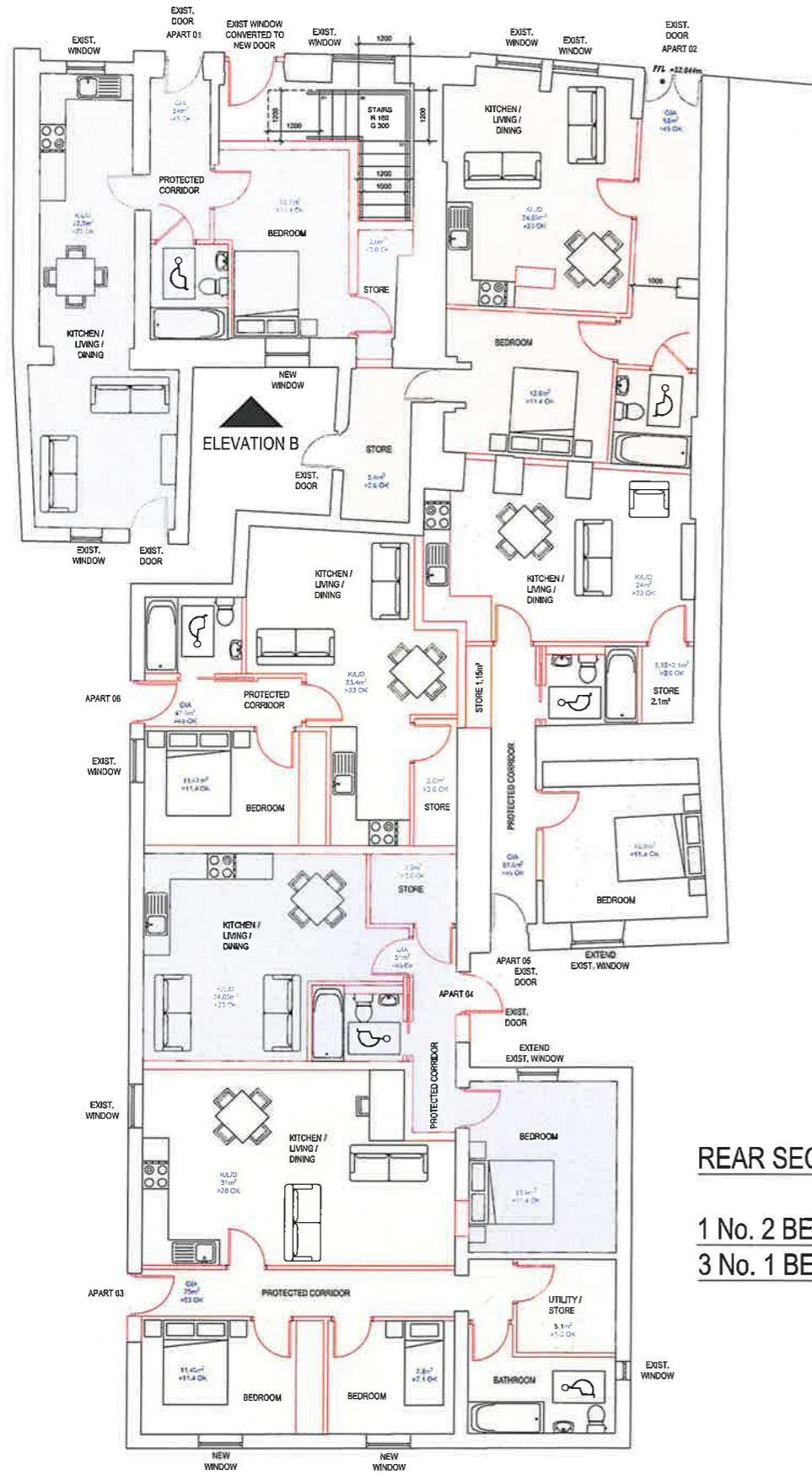
DRAWN BY TOC	CHECKED BY TOC	APPROVED BY PM
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SCALE 1:200 at A3	PROJECT NUMBER 24076
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DOCUMENT REFERENCE 24076-MMS-ZZ-ST-DR-A-10000	STATUS S2
PROJECT-ORIGINATOR-ZONE-LEVEL-TYPE-DISCIPLINE-NUMBER	REV P02

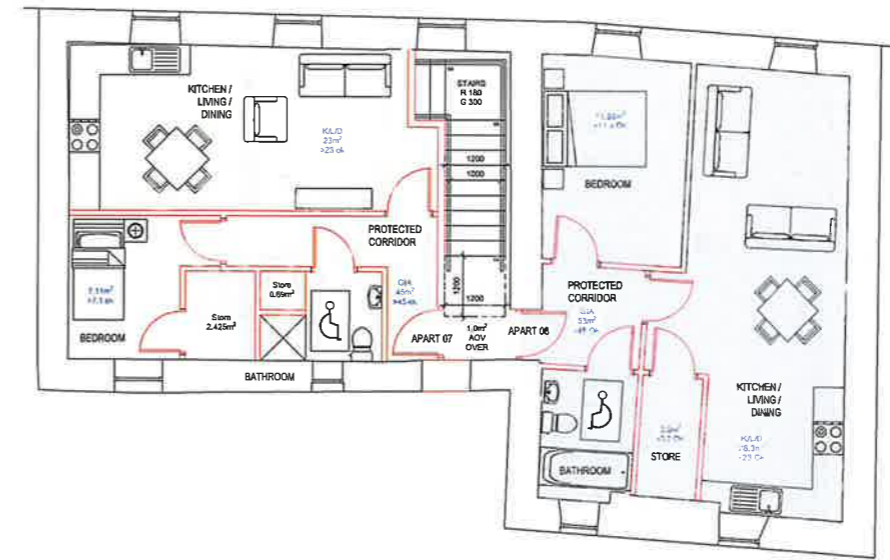
**FRONT SECTION GF:**

**2 No. 1 BED APARTMENTS**



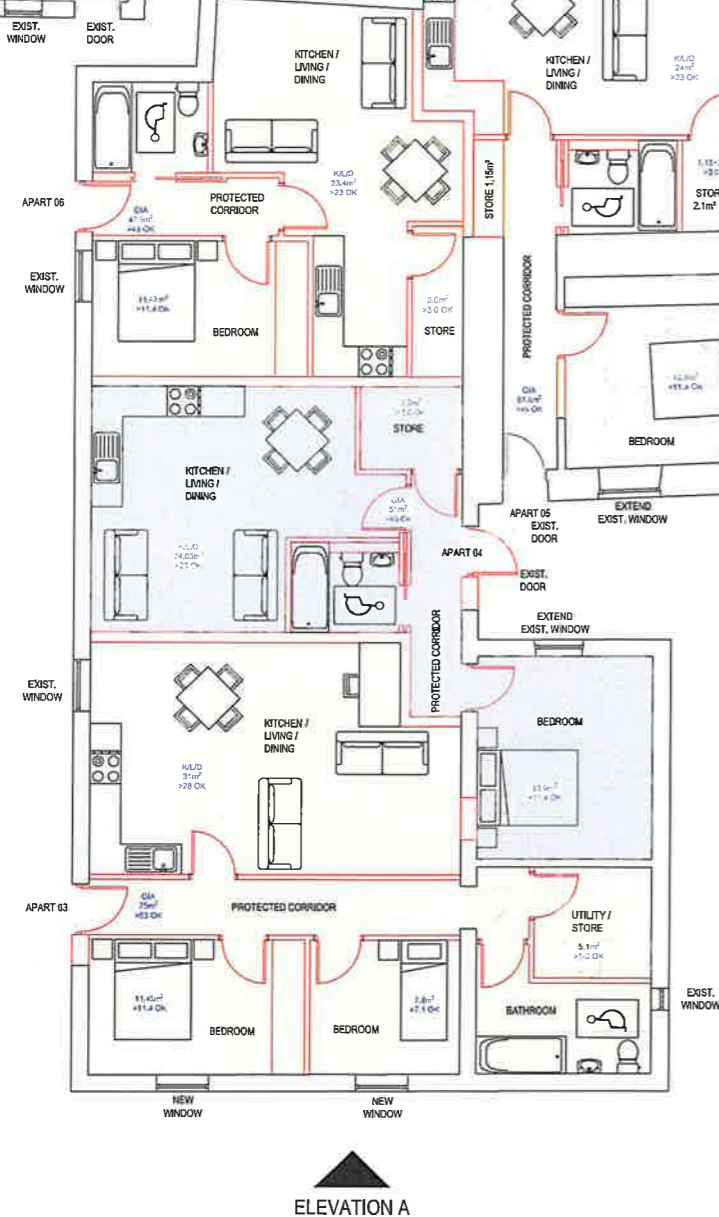
**FRONT SECTION FF:**

**2 No. 1 BED APARTMENTS**



**REAR SECTION:**

**1 No. 2 BED APARTMENT  
3 No. 1 BED APARTMENTS**



Planning Department  
29 JUL 2024  
Cork County Council  
County Hall  
Cork

Rev	Sts	Description	Date
P01	S2	Issued for Information	17.04.24
P02	S3	Studio apart converted to 1 bed apart	22.04.24
P03	S3	FSC comments Incorporated	02.05.24
P04	S3	FSC comments Incorporated	31.05.24
P05	S3	Apartment No 7 Updated	15.07.24
P06	S2	Elevations A & B Added	23.07.24

**MMOS** The Chapel,  
Blackrock House,  
Blackrock Road  
Cork, T12 KRK7  
MURPHY · MATSON · O'SULLIVAN  
CONSULTING CIVIL & STRUCTURAL ENGINEERS Tel : 353 21 4317608

PROJECT  
Proposed Apartment Development,  
Rovers Rest, Rathcormac

CLIENT  
Doyle Brothers

TITLE  
Proposed Apartment Layout Plans

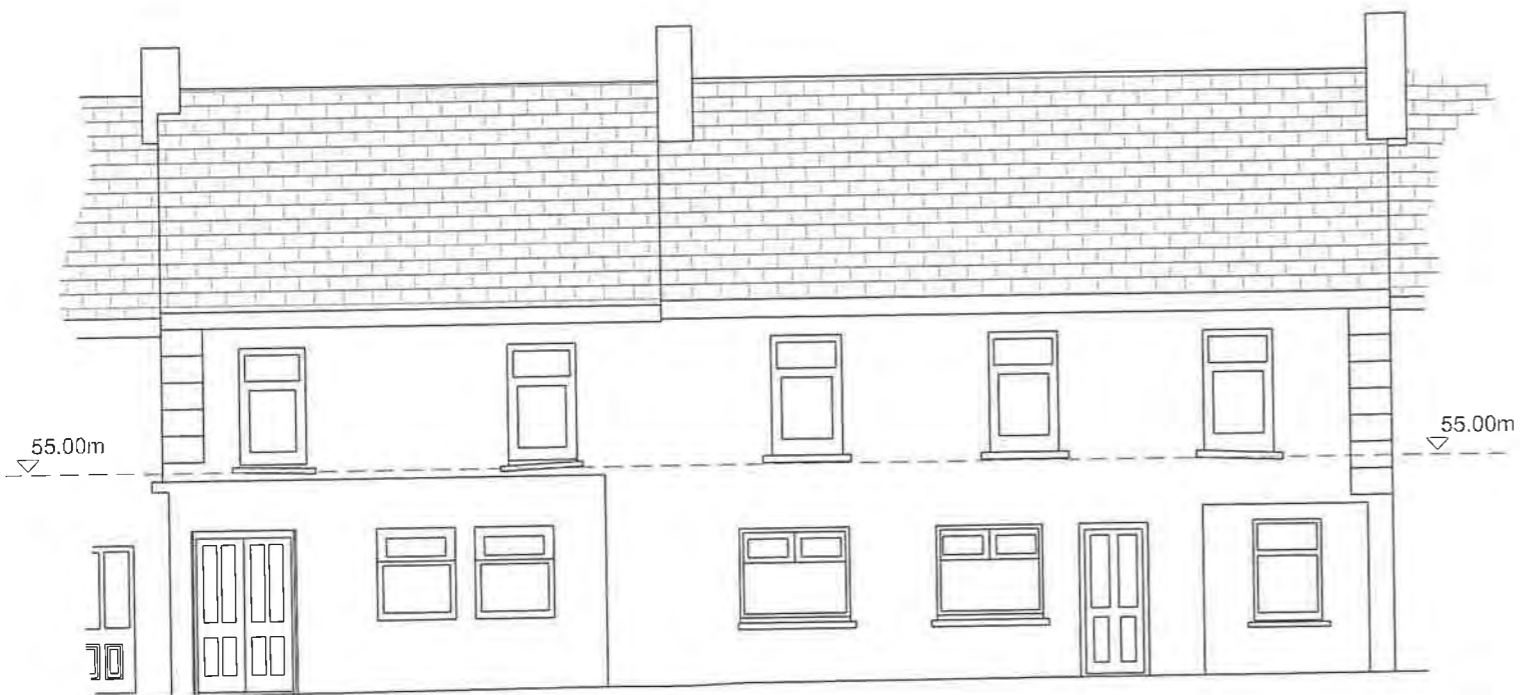
DRAWN BY TOC CHECKED BY TOC APPROVED BY PM

SCALE 1:150 at A3 PROJECT NUMBER 24076

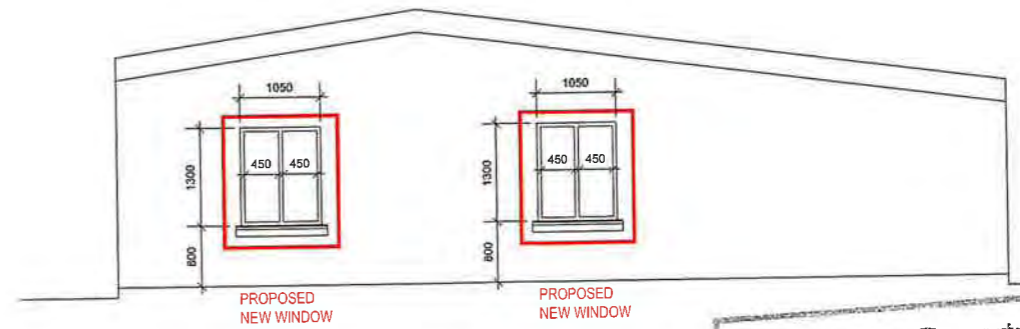
DOCUMENT REFERENCE 24076-MMS-ZZ-ZZ-DR-A-2500 STATUS: S3

PROJECT-ORIGINATOR-ZONE-LEVEL-TYPE-DISCIPLINE-NUMBER P06





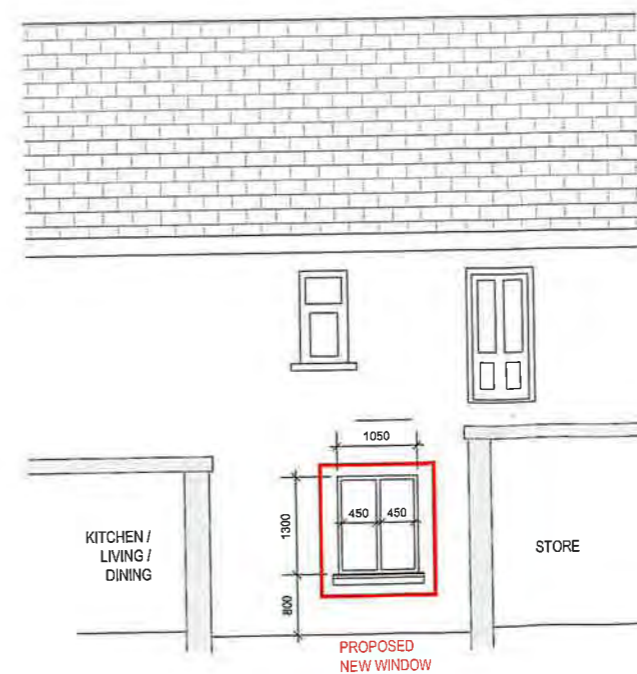
**Existing Front Elevation**  
Scale 1:50



**Proposed New Windows on Existing Gable Elevation (Elevation A)**  
Scale 1:50



**Proposed Front Elevation**  
Scale 1:50



**Proposed New Windows on Existing Rear Elevation (Part Elevation B)**  
Scale 1:50

Planning Department  
**29 JUL 2024**  
Cork County Council  
County Hall

Rev	Sts	Description	Date
P01	S2	Issued for Information	20.05.24
P02	S2	Elevations A & B Added	23.07.24

**MMOS** The Chapel, Blackrock House, Blackrock Road, Cork, T12 K9K7  
MURPHY · MATSON · O'SULLIVAN  
CONSULTING CIVIL & STRUCTURAL ENGINEERS  
Tel : 353 21 4317608

PROJECT  
**Proposed Apartment Development, Rovers Rest, Rathcormac**

CLIENT  
**Doyle Brothers**

TITLE  
**Existing / Proposed Elevations**

DRAWN BY TOC	CHECKED BY TOC	APPROVED BY PM
SCALE 1:100 at A3	PROJECT NUMBER 24076	STATUS S2
DOCUMENT REFERENCE 24076-MMS-ZZ-ZZ-DR-A-4500	REV. P02	

PROJECT-ORIGINATOR.ZONE-LEVEL-TYPE-DISCIPLINE-NUMBER