Brian Nolan, BNJG Venture Holdings, North View House, Templemartin, Co. Cork

10th January, 2025

Our Ref.: D/274/24

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

Whether the proposed change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties at 15 Watergate Street, Bandon, Co. Cork P72 C780 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,

PIO TREACY,

ADMINISTRATIVE OFFICER PLANNING DEPARTMENT

Encl.

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 <a href="https://www.corkcoco.ie/privacy-statement-cork-county-council">https://www.corkcoco.ie/privacy-statement-cork-county-council</a>

## Comhairle Contae Chorcaí Cork County Council

Kare Plus South Cork, C/O Niall Hegarty, BLDG Chartered Surveyors, Unit 4, 84 Strand Street, Skerries, Co. Dublin K34 VW94

10th January, 2025

Pleanáil agus Forbairt, Halla an Chontae, Bóthar Charraig Ruacháin, Corcaigh T12 R2NC. Fón: (021) 4276891 R-phost: planninginfo@corkcoco.ie

Fón: (021) 4276891 R-phost: planninginfo@corkcoco.ie Suíomh Gréasáin: www.corkcoco.ie Planning & Development, County Hall,

Carrigrohane Road, Cork T12 R2NC.

Tel (021) 4276891 Email: planninginfo@corkcoco.ie Web: www.corkcoco.ie



REF:

D/274/24

LOCATION:

15 Watergate Street, Bandon, Co. Cork P72 C780

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

Dear Sir,

On the basis of the information submitted by you on 5<sup>th</sup> November, 2024 the Planning Authority, having considered the question whether or not the proposed change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties at **15 Watergate Street, Bandon, Co. Cork P72 C780** is or is not development and is or is not exempted development has declared that it **is development and is exempted development**.

#### **Reason for Decision**

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

- Sections 2, 3(1) and 4(1)(h) of the Planning and Development Act 2000 (as amended), and
- Articles 5, 6 and 9 of the Planning and Development Regulations 2001 (as amended), and
- Class 14(f) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended
- The nature and scale of the proposed use, as outlined in submissions on file by the owner/occupier, as a residence for persons with an intellectual/physical disability or mental illness with particular needs for comprehensive care, staffing, guidance and accommodation facilities.
- The design and layout of the dwellinghouse
- The submissions of the referrer in relation to the sequence of development of the site

#### And Whereas Cork County Council has concluded that -



The change of use of a house to a residence for persons with intellectual/physical disability or mental illness and persons providing care for such persons constitutes a material change of use and is therefore development, as defined in Section 3 of the Planning and Development Act 2000, as amended.

- This change of use comes within the scope of Class 14(f) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and would therefore, constitute exempted development and
- None of the restrictions on exemption set out in Article 9(1)(a) of these Regulations apply in this instance and

The Planning Authority hereby decides that the change of use of a house to use as a residence for persons with intellectual/physical disability or mental illness and persons providing care for such persons at

15 Watergate Street, Bandon, Co. Cork is development and is exempted development.

This exemption does NOT itself empower a person to carry out a development unless that person is legally entitled to do so.

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,

PIO TREACY, ADMINISTRATIVE OFFICER, PLANNING DEPARTMENT.

#### Planning Ref D/274/24

# Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000

Site Location: 15 Watergate Street, Bandon, Co. Cork P72 C780

Proposed Development: i) Whether the proposed change of use from

residential to provide a residential care facility for children at risk, including those with learning difficulties is or is not development or is or not

exempted development.

#### Proposal /Context

The applicant is seeking a determination by the planning authority as to whether or not proposed change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties is or is not development or is or not exempted development under the Planning and Development Regulations (2001, as amended).



#### **Planning History**

None

#### **Policy**

The site is within Bandon Town and located within an existing residential/mixed use land zoning as as identified by the Cork County Development Plan 2022. It is noted that the building is on the National Inventory of Architectural Heritage (NIAH) 20844045. The building is also within Knockbrogan East Architectural Conservation Area (ACA). The site is located in Flood

B.It is noted that the dwelling an existing residential unit for over 100 years. The site is located not located within the screening zone associated with any Natura 2000 site.

#### **County Development Plan 2022**

#### HE 16-18: Architectural Conservation Areas

Conserve and enhance the special character of the Architectural Conservation Areas included in this Plan. The special character of an area includes its traditional building stock, material finishes, spaces, streetscape, shopfronts, landscape and setting. This will be achieved by;

- (a) Protecting all buildings, structures, groups of structures, sites, landscapes and all other features considered to be intrinsic elements to the special character of the ACA from demolition and non-sympathetic alterations.
- (b) Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development.
- (c) Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.
- (d) Protect structures from demolition and non sympathetic alterations.
- (e) Promoting high quality architectural design within ACAs.
- (f) Seek the repair and re-use of traditional shopfronts and where appropriate, encourage new shopfronts of a high quality architectural design.
- (g) Ensure all new signage, lighting advertising and utilities to buildings within ACAs are designed, constructed and located in such a manner they do not detract from the character of the ACA.
- (h) Protect and enhance the character and quality of the public realm within ACAs. All projects which involve works within the public realm of an ACA shall undertake a character assessment of the said area which will inform a sensitive and appropriate approach to any proposed project in terms of design and material specifications. All projects shall provide for the use of suitably qualified conservation architects/ designers.
- (i) Protect and enhance the character of the ACA and the open spaces contained therein. This shall be achieved through the careful and considered strategic management of all signage,

lighting, utilities, art works/pieces/paintings, facilities etc to protect the integrity and quality of the structures and spaces within each ACA.

(j) Ensure the protection and reuse of historic street finishes, furniture and features which contribute to the character of the ACA.

#### County Development Plan Objectives HE 16-15: Protection of Structures on the NIAH

Protect where possible all structures which are included in the NIAH for County Cork, that are not currently included in the Record of Protected Structures, from adverse impacts as part of the development management functions of the County.

The applicant shall also be aware that the following is a general list of material finishes that are considered appropriate for buildings in ACAs:

- 1. No white pvc is permitted.
- 2. All exterior joinery is to be of timber.
- 3. Windows are to be timber sliding sashes on visible elevations.
- 4. Windows are to timber framed or a dark colour aluminium.
- 5. Smooth plaster finish is to be applied.
- 6. Natural roof slates are to be used and applied in diminishing courses.
- 7. All rainwater goods are to be metallic, circular in profile and black in colour.
- 8. Conservation style roof lights are to be used, where rooflights are being considered.
- 9. No illuminated signage is permitted.
- 10. Signage is permitted in the fascia only, no signage is permitted in the shop windows.
- 11. Railings are to be black in colour.
- 12. Material specifications are to be submitted and agreed with this department prior to construction.

No satellite dishes, alarm boxes, lighting fittings, solar panels or similar modern fittings shall be erected to the exterior elevation of the building, in particular where visible from street/road, or within the grounds or curtilage of the structure without reasonable accommodation for their concealment from all publicly accessible viewpoints. This is in the interest of the preservation of the architectural heritage.

#### **Legislative Context**

According to Section 3(1) of the Planning and Development Act (2000-2010), "development" means, save where the context otherwise requires, the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land.

**Section 4** of the same Act lists works that would be considered exempted development. It also conveys power on the Minister to make regulations to provide for any class of development to be exempted development for the purposes of the Act.

Of particular relevance to this application is Schedule 2 Part 1 of the Planning and Development Regulations (2001 - 2013).

Class 14 (f) Change of Use of said Schedule considers the change of use from a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons be exempted development subject to a number of conditions and limitations.

#### **Conditions and limitations**

1 The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

Article 9 of said Regulations lists a series of restrictions on exemptions which includes

(a) if the carrying out of such development would—

- (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) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, 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,
- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,
- (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 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,
- consist of or comprise the (vii) 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 of which is an objective of a development plan for the area in which the development is proposed 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, save any excavation, pursuant to and in accordance with a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930),
- (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,
- (x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,
- (xi) obstruct any public right of way,
- (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,
- (b) in an area to which a special amenity area order relates, if such development would be development:—
  - (i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or
  - (ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or
  - (iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or
  - (iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited.
- (c) if it is development to which Part 10 applies, unless the development is required by or under

- any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,
- (d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.
- (2) Sub-article (1)(a)(vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding 100 metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises.

#### Assessment

The applicant is seeking a declaration of exemption that the proposed change of use of a house to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons is exempted development under Class 14(f). The building is a longstanding dwellinghouse. The applicants are Kare Plus South Cork who provide a variety of care services including Intellectual Disability Services for Children and Adults. The applicant indicates the unit will be for children at risk including those with learning difficulties. I am satisfied that the proposed change of use comes within the scope of Class 14 (f) of the Planning and Development Regulations 2001.

While the applicant has submitted an existing floor plan of the dwelling, the applicant has not submitted details of the proposed layout including identify the bedrooms for residents and carers. This is required to ensure that the conditions and limitations with Class 14 (f) adhered to. The applicant shall submit a proposed floor plan for the site clearly outlining the number of bedrooms for residents and for carers. The applicant shall also outline whether residents will share bedrooms.



The building is on the National Inventory of Architectural Heritage (NIAH) 20844045. The building is also within Knockbrogan East Architectural Conservation Area (ACA). The applicant shall submit details of an external works to the building that maybe required/ or undertaken to the building since it was purchased to facilitate access to the building for children with disabilities as these works may not be exempt. The Article 9 limitations were also reviewed, and the report of the Conservation Officer is noted.

#### Conclusion

There is insufficient information at present to determine whether the proposed change of use is exempted development or not. The following further information is required.

#### 

A response to the further information request was received on 16/12/2024.

#### **Further information**

1 While the applicant has submitted existing floor plans of the dwelling, the applicant has not submitted details of the proposed layout including identify the bedrooms for residents and carers. This is required to ensure that the conditions and limitations of Class 14 (f) of the Planning and Development Regulations are adhered to. The applicant shall submit a proposed

floor plan for the unit clearly outlining the number of bedrooms for residents and for carers . The applicant shall also outline whether residents will share bedrooms. **Response:** The floor plans indicate the staff bedroom on the ground floor and 4 no. bedrooms on the first and second floor. The response confirms that no residents/services users shared rooms . The response is acceptable.

2 (a)The building is on the National Inventory of Architectural Heritage (NIAH) 20844045. The building is also within Knockbrogan East Architectural Conservation Area (ACA). The applicant shall submit details of any external works to the building that maybe required/ or undertaken to the building since it was purchased to facilitate access to the building for children with disabilities as these works may not be exempt.

(b) Please submit proposed elevations, that show any proposed alterations/ new work to the front and any other visible elevations of the building, which is in an architectural conservation area.

**Response:** No works to the front elevation have taken place by the current users. The email response from the Conservation officer which states *that no works will be carried out to the external elevations of the building in the ACA, I have no basis for de-exemption and do not object to a declaration of exemption for the change of use. While the building is within an ACA the Section 5 is to determine whether the change of use is exempt or not . It is noted that no works are required to the front elevation to allow access to the building.* 

#### Recommendation

WHEREAS a question has arisen as to whether the proposed change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties is or is not development or is or not exempted development., is or is not development and is or is not is exempted

AND WHEREAS Cork County Council, in considering this section 5, had regard particularly to

- • Section 2(1) of the Planning and Development Act, 2000, as amended,
- Section 3(1) of the Planning and Development Act, 2000,
- Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001 2023
- Class 14 (f) Change of Use of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 2023, and

AND WHEREAS Cork County Council has concluded that works consisting of the change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties constitute 'development', as defined under Section 3(1) of the

Planning and Development Act, 2000 as amended and would come generally within the scope of the exempted development provision provided at Class 14(f) Change of Use of Part 1, Schedule 2 of the Planning and Development Regulations 2001 - 2023.

NOW THEREFORE that the change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties is exempted development.

John Redmond

**Executive Planner** 

09/01/2025



#### **FURTHER INFORMATION SUBMISSION**

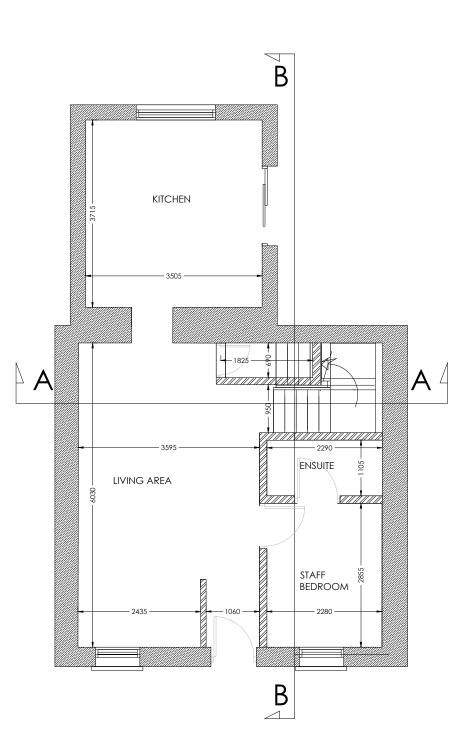
RE: D/274/24 – Declaration of exempted Development under Section 5 of the Planning and Development Act 2000-2010.

Cork County Council

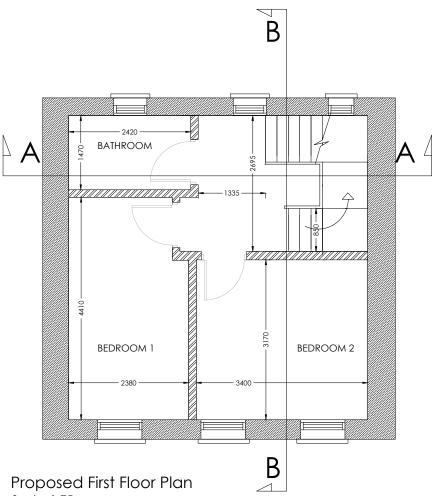
#### 15 Watergate Street, Bandon, Co. Cork

1.	Please see attached proposed floor plans for 15 Watergate St. There is no change to the
	existing layout. We have marked the location of the staff overnight room; noted to the
	ground floor. No residents/service users will be sharing rooms.

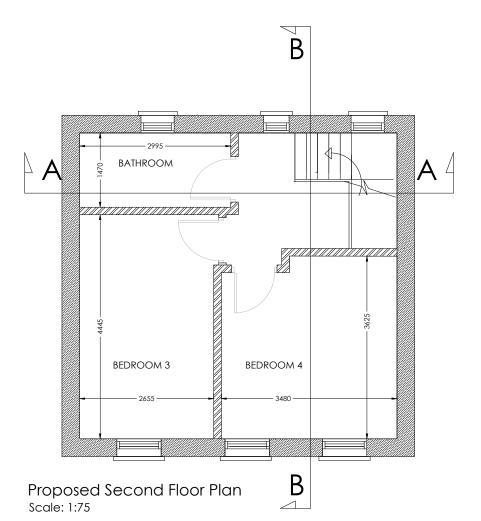
- 2. No works to the externals of no.15 Watergate St. will be undertaken. The property is currently rented by the applicant (KarePlus), and no works have been undertaken since they took possession of the property.
- 3. No Revised elevations required as no works to be undertaken to the external of the property.

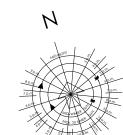


Proposed Ground Floor Plan Scale: 1:75



Proposed First Floor Plan Scale: 1:75





Figured dimensions only to be taken from this drawing. Do not scale.
All dimensions to be checked on site.

REV: DESCRIPTION:		BY:	DATE:
1	Section 5 Application	NH	31.10.24



Unit 4 84 Strand Street Skerries, Co. Dublin

CLIENT: KARE PLUS

T: +353 (87) 949 0839 +353 (86) 044 4049 W: www.smbc.ie

OTHER CONSULTANTS:

SITE: 15 WATERGATE, CO.CORK.

TITLE:

Proposed Floor Plans

SCALE AT A3:	DATE:	DRAWN:	CHECKED:	1
1:75	31.10.24	PL	NH	ı
PROJECT NO:	DRAWING NO:		REVISION:	ı
2024-76-2	005		1	ı

20mm 80mm 100mm

## Comhairle Contae Chorcaí Cork County Council

Pleanáil agus Forbairt, Halla an Chontae, Bóthar Charraig Ruacháin, Corcaigh T12 R2NC. Fón: (021) 4276891

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Kare Plus South Cork, C/O Niall Hegarty, BLDG Chartered Surveyors, Unit 4, 84 Strand Street, Skerries, Co. Dublin K34 VW94

27th November, 2024

Our Ref.: D/274/24

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

Whether the proposed change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties at 15 Watergate Street, Bandon, Co. Cork P72 C780 is or is not development and is or is not exempted development.

Dear Sir/Madam,

I refer to your application for a Declaration of Exemption in relation to the above.

It is considered that the information submitted with the Section 5 Declaration application is insufficient to enable the Planning Authority to make a determination whether the proposed change of use is exempted development or not. You are therefore requested to submit the following further information:

- 1. While you have submitted existing floor plans of the dwelling, you have not submitted details of the proposed layout, including identifying the bedrooms for residents and carers. This is required to ensure that the conditions and limitations of Class 14 (f) of the Planning and Development Regulations are adhered to. You are required to submit a proposed floor plan for the dwelling unit clearly outlining the number of bedrooms for residents and for carers. You are also required to outline whether residents will share bedrooms.
- 2. (a) The subject property at Watergate Street is on the National Inventory of Architectural Heritage (NIAH) (Reg. No. 20844045). Additionally, the subject property is within the Knockbrogan East Architectural Conservation Area (ACA). You shall submit details of any external works to the building that may be required / or have been undertaken to the building since it was purchased to facilitate access to the building for children with disabilities, as these works may not be exempt.





(b) Submit proposed elevations, that show any proposed alterations / new work to the front and any other visible elevations of the building, which is in an Architectural Conservation Area.

Yours faithfully,

ANGELA CARRIGY ASO 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 <a href="https://www.corkcoco.ie/privacy-statement-cork-county-council">https://www.corkcoco.ie/privacy-statement-cork-county-council</a>

#### Planning Ref D/274/24

# Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000

Site Location: 15 Watergate Street, Bandon, Co. Cork P72 C780

Proposed Development: i) Whether the proposed change of use from

residential to provide a residential care facility for children at risk, including those with learning difficulties is or is not development or is or not

exempted development.

#### Proposal /Context

The applicant is seeking a determination by the planning authority as to whether or not proposed change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties is or is not development or is or not exempted development under the Planning and Development Regulations (2001, as amended).



#### **Planning History**

None

#### **Policy**

The site is within Bandon Town and located within an existing residential/mixed use land zoning as as identified by the Cork County Development Plan 2022. It is noted that the building is on the National Inventory of Architectural Heritage (NIAH) 20844045. The building is also within Knockbrogan East Architectural Conservation Area (ACA). The site is located in Flood

B.It is noted that the dwelling an existing residential unit for over 100 years. The site is located not located within the screening zone associated with any Natura 2000 site.

#### **County Development Plan 2022**

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- (e) Promoting high quality architectural design within ACAs.
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- (g) Ensure all new signage, lighting advertising and utilities to buildings within ACAs are designed, constructed and located in such a manner they do not detract from the character of the ACA.
- (h) Protect and enhance the character and quality of the public realm within ACAs. All projects which involve works within the public realm of an ACA shall undertake a character assessment of the said area which will inform a sensitive and appropriate approach to any proposed project in terms of design and material specifications. All projects shall provide for the use of suitably qualified conservation architects/ designers.
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lighting, utilities, art works/pieces/paintings, facilities etc to protect the integrity and quality of the structures and spaces within each ACA.

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#### County Development Plan Objectives HE 16-15: Protection of Structures on the NIAH

Protect where possible all structures which are included in the NIAH for County Cork, that are not currently included in the Record of Protected Structures, from adverse impacts as part of the development management functions of the County.

The applicant shall also be aware that the following is a general list of material finishes that are considered appropriate for buildings in ACAs:

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#### **Legislative Context**

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**Section 4** of the same Act lists works that would be considered exempted development. It also conveys power on the Minister to make regulations to provide for any class of development to be exempted development for the purposes of the Act.

Of particular relevance to this application is Schedule 2 Part 1 of the Planning and Development Regulations (2001 - 2013).

Class 14 (f) Change of Use of said Schedule considers the change of use from a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons be exempted development subject to a number of conditions and limitations.

#### **Conditions and limitations**

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- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, 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,
- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,
- (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 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,
- consist of or comprise the (vii) 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 of which is an objective of a development plan for the area in which the development is proposed 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, save any excavation, pursuant to and in accordance with a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930),
- (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,
- (x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,
- (xi) obstruct any public right of way,
- (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,
- (b) in an area to which a special amenity area order relates, if such development would be development:—
  - (i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or
  - (ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or
  - (iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or
  - (iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited.
- (c) if it is development to which Part 10 applies, unless the development is required by or under

- any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,
- (d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.
- (2) Sub-article (1)(a)(vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding 100 metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises.

#### Assessment

The applicant is seeking a declaration of exemption that the proposed change of use of a house to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons is exempted development under Class 14(f). The building is a longstanding dwellinghouse. The applicants are Kare Plus South Cork who provide a variety of care services including Intellectual Disability Services for Children and Adults. The applicant indicates the unit will be for children at risk including those with learning difficulties. I am satisfied that the proposed change of use comes within the scope of Class 14 (f) of the Planning and Development Regulations 2001.

While the applicant has submitted an existing floor plan of the dwelling, the applicant has not submitted details of the proposed layout including identify the bedrooms for residents and carers. This is required to ensure that the conditions and limitations with Class 14 (f) adhered to. The applicant shall submit a proposed floor plan for the site clearly outlining the number of bedrooms for residents and for carers. The applicant shall also outline whether residents will share bedrooms.



The building is on the National Inventory of Architectural Heritage (NIAH) 20844045. The building is also within Knockbrogan East Architectural Conservation Area (ACA). The applicant shall submit details of an external works to the building that maybe required/ or undertaken to the building since it was purchased to facilitate access to the building for children with disabilities as these works may not be exempt. The Article 9 limitations were also reviewed, and the report of the Conservation Officer is noted.

#### Conclusion

There is insufficient information at present to determine whether the proposed change of use is exempted development or not. The following further information is required.

#### **Further information**

1 While the applicant has submitted existing floor plans of the dwelling, the applicant has not submitted details of the proposed layout including identify the bedrooms for residents and carers. This is required to ensure that the conditions and limitations of Class 14 (f) of the Planning and Development Regulations are adhered to. The applicant shall submit a proposed floor plan for the unit clearly outlining the number of bedrooms for residents and for carers . The applicant shall also outline whether residents will share bedrooms.

- 2 (a)The building is on the National Inventory of Architectural Heritage (NIAH) 20844045. The building is also within Knockbrogan East Architectural Conservation Area (ACA). The applicant shall submit details of any external works to the building that maybe required/ or undertaken to the building since it was purchased to facilitate access to the building for children with disabilities as these works may not be exempt.
- (b) Please submit proposed elevations, that show any proposed alterations/ new work to the front and any other visible elevations of the building, which is in an architectural conservation area.

Section 5: D/274/24 Conservation Office

Reference Number: D/274/24

Location: 15, Watergate Street, Bandon

**Description:** Change of use from residential to residential care facility

Protection status: Located in the Knockbrogen East Architectural Conservation Area (ACA)

#### Assessment:

The applicant has not provided proposed elevations, only existing elevations, so I cannot determine whether or not this is exempted development, given that No. 15 Watergate is in the Knockbrogen East ACA.

- 9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act-
- (a) if the carrying out of such development would-
- (xii) Further to provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

No. 15 is also included on the National Inventory of Architectural Heritage (NIAH Ref: 20844045), which doesn't in itself de-exempt, but the entry states that this is 'an interesting house in a streetscape which has unfortunately lost much of its historic character'. The front elevation had 1/1 timber sliding sash windows throughout in 2009, which is apparent on the NIAH listing, as well as on Google Streetview for that year. In 2011, the ground floor windows have unfortunately been changed to uPVC; by 2019, one window on the second floor has been boarded up. Cast iron rainwater goods remain throughout on the 20919 Google Streetview image. These elements contribute to the character of the building, as well as to the overall character of the ACA.

The applicant shall be cognisant of the following policy from the Cork County Development Plan, 2022-2028:

#### **HE 16-18: Architectural Conservation Areas**

Conserve and enhance the special character of the Architectural Conservation Areas included in this Plan. The special character of an area includes its traditional building stock, material finishes, spaces, streetscape, shopfronts, landscape and setting. This will be achieved by;

- (a) Protecting all buildings, structures, groups of structures, sites, landscapes and all other features considered to be intrinsic elements to the special character of the ACA from demolition and non-sympathetic alterations.
- (b) Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development.
- (c) Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.



Section 5: D/274/24 Conservation Office

- (d) Protect structures from demolition and non sympathetic alterations.
- (e) Promoting high quality architectural design within ACAs.
- (f) Seek the repair and re-use of traditional shopfronts and where appropriate, encourage new shopfronts of a high quality architectural design.
- (g) Ensure all new signage, lighting advertising and utilities to buildings within ACAs are designed, constructed and located in such a manner they do not detract from the character of the ACA.
- (h) Protect and enhance the character and quality of the public realm within ACAs. All projects which involve works within the public realm of an ACA shall undertake a character assessment of the said area which will inform a sensitive and appropriate approach to any proposed project in terms of design and material specifications. All projects shall provide for the use of suitably qualified conservation architects/ designers.
- (i) Protect and enhance the character of the ACA and the open spaces contained therein. This shall be achieved through the careful and considered strategic management of all signage, lighting, utilities, art works/pieces/paintings, facilities etc to protect the integrity and quality of the structures and spaces within each ACA.
- (j) Ensure the protection and reuse of historic street finishes, furniture and features which contribute to the character of the ACA.

#### County Development Plan Objectives HE 16-15: Protection of Structures on the NIAH

Protect where possible all structures which are included in the NIAH for County Cork, that are not currently included in the Record of Protected Structures, from adverse impacts as part of the development management functions of the County.

The applicant shall also be aware that the following is a general list of material finishes that are considered appropriate for buildings in ACAs:

- 1. No white pvc is permitted.
- 2. All exterior joinery is to be of timber.
- 3. Windows are to be timber sliding sashes on visible elevations.
- 4. Windows are to timber framed or a dark colour aluminium.
- 5. Smooth plaster finish is to be applied.
- 6. Natural roof slates are to be used and applied in diminishing courses.
- 7. All rainwater goods are to be metallic, circular in profile and black in colour.
- 8. Conservation style roof lights are to be used, where rooflights are being considered.
- 9. No illuminated signage is permitted.
- 10. Signage is permitted in the fascia only, no signage is permitted in the shop windows.
- 11. Railings are to be black in colour.
- 12. Material specifications are to be submitted and agreed with this department prior to construction.

No satellite dishes, alarm boxes, lighting fittings, solar panels or similar modern fittings shall be erected to the exterior elevation of the building, in particular where visible from street/road, or within the grounds or curtilage of the structure without reasonable accommodation for their concealment from



Section 5: D/274/24 Conservation Office

all publicly accessible viewpoints. This is in the interest of the preservation of the architectural heritage.

#### **Conclusion:**

There is insufficient information provided to determine whether or not the proposed change of use is or is not exempted development. The applicant shall:

 Provide proposed plans and elevations, that show any proposed alterations/ new work to the front and any other visible elevations of the building, which is in an architectural conservation area.

#### **Emma Baume**

**Executive Architectural Conservation Officer** 

25<sup>th</sup> November, 2024



#### D/274/24 – EMMA BAUME CONSERVATION REPORT

Hi John,

The applicant has not provided proposed elevations, only existing elevations, so I cannot determine whether or not this is exempted development, given that No. 15 Watergate is in the Bandon ACA.

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

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

No. 15 is also included on the National Inventory of Architectural Heritage (NIAH Ref: 20844045), which doesn't in itself de-exempt, but the entry states that this 'an interesting house in a streetscape which has unfortunately lost much of its historic character'. The front elevation had 1/1 timber sliding sash windows throughout in 2009 (now only on upper floors, where one is missing) and cast iron rainwater goods. If the proposed elevation shows the conservation of the existing fabric and its repair/replacement on a like for like basis, there is no issue and I would consider the works exempted development.

Can we request the proposed front elevation drawing please, with a reminder that this is in an ACA, where HE16-18 of the CDP applies?

Kind regards,

Emma Baume, MA | Architectural Conservation Officer | Planning & Development

### Comhairle Contae Chorcaí Cork County Council

Pleanáil agus Forbairt, Halla an Chontae, Bóthar Charraig Ruacháin, Corcaigh T12 R2NC. Fón: (021) 4276891

Fón: (021) 42/0891 R-phost: planninginfo@corkcoco.ie Suíomh Gréasáin: www.corkcoco.ie

Planning & Development, County Hall,

Carrigrohane Road, Cork T12 R2NC. Tel (021) 4276891

Email: planninginfo@corkcoco.ie Web: www.corkcoco.ie

Brian Nolan, BNJG Venture Holdings, North View House, Templemartin, Co. Cork

6th November, 2024

Our Ref.: D/274/24

Re: Declaration of Exempted Development under Section 5 of The Planning and

Development Act 2000 – 2010.

Whether the proposed change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties at 15 Watergate Street, Bandon, Co. Cork P72 C780 is or is not development or is or is not exempted development

Dear Sir,

Please be advised that a declaration has been sought with respect to Section 5 of the Planning and Development Act 2000 (as amended) from the Planning Authority by Kare Plus South Cork with respect to whether the above description at 15 Watergate Street, Bandon, Co. Cork P72 C780 constitutes development.

You are being notified as the applicant has indicated that you are the legal owner of the land in question.

Yours faithfully,

Angela Carrigy

ASO 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 <a href="https://www.corkcoco.ie/privacy-statement-cork-county-council">https://www.corkcoco.ie/privacy-statement-cork-county-council</a>







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

#### APPLICANT CHECKLIST

4 No. Copies of Application Form:

1 No. Copy of Contact Details:

4 No. Copies 6" O.S. Maps:

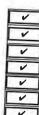
4 No. Copies 25" O.S. Maps:

4 No. Copies of Site Layout Plan:

4 No. Copies Scaled Drawings of Development:

€80 Application Fee:

#### (Please tick $\sqrt{\ }$ )



### FOR OFFICE USE ONLY

Receipt No.	PC20002425
Cash/Cheque/ Credit Card	CHE QUE
Date	6/11/24
Declaration Ref. No.	1274/24



**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 3rd 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 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 or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

2. POSTAL ADDRESS OF LAND OR STRUCTURE EXEMPTION IS SOUGHT:	FOR WHICH DECLARATION OF
15 WATERGATE STREET, BANDON, CO. CORK P72 C780	
3. QUESTION/DECLARATION DETAILS: Please state the specific question for which a Declaration of Exemption is Note: Only works listed and described under this section will be assessed	sought under the Section 5 Declaration of Exemption
APPLICATION FOR A DECLARATION OF EXEMPTED DEVELOPMENT UNDER PLANNING AND DEVELOPMENT REGULATION 2001, REGARDING THE CHAN	SCHEDULE 2, PART 1, CLASS 14 (f) OF THE GE OF USE FROM RESIDENTIAL TO PROVIDE A
RESIDENTIAL CARE FACILITY FOR CHILDREN AT RISK, INCLUDING THOSE V	MITH LEARNING DIFFICULTIES.
IN LINE WITH SCHEDULE 2, PART 1, SCHEDULE 14 (f) OF THE PLANNING AN OF RESIDENTS WILL NOT EXCEED 6 AND THE NUMBER OF CAREERS WILL	D DEVELOPMENT REGULATION 2001, THE NUMBER NOT EXCEED 2.
	Planning Department
	05 NOV 2024
	Cork County Council County Half
	Cork.
	. 3 - 1 - 3 - 1 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2

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

1.

KARE PLUS SOUTH CORK

4	A DDT	ICATION DETAILS:	
4	APPL	JUATUN 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  $(m^2)$ 

(a) Floor area of existing/proposed structure(s)	124 m2
(b) If a domestic extension is proposed, have	Yes No No
any previous extensions/structures been	
erected at this location after 1 <sup>st</sup> October,	If yes, please provide floor areas (m <sup>2</sup> ) and
1964 (including those for which planning	previous planning reference(s) where applicable:
permission has been obtained):	
pormission has been obtained).	N/A
(c) If a change of use of land and/or building(s	
is proposed, please state the following:	
Eviatina/provious use	Proposed use
Existing/previous use	RESIDENTIAL CARE FACILITY
KLOIDLATIAL	TEGES AND A STATE OF THE STATE
	No. 11-11
(d) Are you aware of any enforcement	Yes No V
proceedings connected to this site?	If yes, please state relevant reference number(s):
	N/A
5. LEGAL INTEREST OF APPLICANT IN	THE LAND/STRUCTURE:
5. LEGAL INTEREST OF APPLICANT IN  Please tick appropriate box to show applicant's	THE LAND/STRUCTURE:  A. Owner B. Other
<u> </u>	
Please tick appropriate box to show applicant's legal interest in the land or structure:  Where legal interest is "Other" please state.	A. Owner B. Other
Please tick appropriate box to show applicant's legal interest in the land or structure:  Where legal interest is "Other" please state.	A. Owner B. Other
Please tick appropriate box to show applicant's legal interest in the land or structure:  Where legal interest is "Other", please state	A. Owner B. Other Planning Department
Please tick appropriate box to show applicant's legal interest in the land or structure:  Where legal interest is "Other", please state your interest in the land/structure:  If you are not the legal owner, please state the	A. Owner B. Other Planning Department
Please tick appropriate box to show applicant's legal interest in the land or structure:  Where legal interest is "Other", please state your interest in the land/structure:	A. Owner B. Other Planning Department  BRIAN NOAN 05 NOV 2024
Please tick appropriate box to show applicant's legal interest in the land or structure:  Where legal interest is "Other", please state your interest in the land/structure:  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):	A. Owner B. Other Planning Department  BRIAN NOAN 05 NOV 2024  Cork Course.
Please tick appropriate box to show applicant's legal interest in the land or structure:  Where legal interest is "Other", please state your interest in the land/structure:  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):  6. PROTECTED STRUCTURE DETAILS	A. Owner B. Other Planning Department  BRIAN NOAN 05 NOV 2024  Cork Court ARCHITECTURAL CONSERVATION AREA:
Please tick appropriate box to show applicant's legal interest in the land or structure:  Where legal interest is "Other", please state your interest in the land/structure:  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):	A. Owner B. Other Planning Department  BRIAN NOAN 05 NOV 2024  Cork Court ARCHITECTURAL CONSERVATION AREA:
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Please tick appropriate box to show applicant's legal interest in the land or structure:  Where legal interest is "Other", please state your interest in the land/structure:  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):  6. PROTECTED STRUCTURE DETAILS /  Is this a Protected Structure/Proposed Protected S Structure:  Yes  No	A. Owner B. Other Planning Department  BRIAN NOAN 05 NOV 2024  Cork Court Tron AREA: tructure or within the curtilage of a Protected
Please tick appropriate box to show applicant's legal interest in the land or structure:  Where legal interest is "Other", please state your interest in the land/structure:  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):  6. PROTECTED STRUCTURE DETAILS /  Is this a Protected Structure/Proposed Protected Structure:  Yes  No  If yes, has a Declaration under Section 57 of the Interest in the land or structure.	A. Owner B. Other  Planning Department  BRIAN NOAN 05 NOV 2024  Cork Court Tron AREA:  Correction of a Protected  Planning & Development Act 2000 been requested
Please tick appropriate box to show applicant's legal interest in the land or structure:  Where legal interest is "Other", please state your interest in the land/structure:  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):  6. PROTECTED STRUCTURE DETAILS /  Is this a Protected Structure/Proposed Protected S Structure:  Yes  No	A. Owner B. Other  Planning Department  BRIAN NOAN 05 NOV 2024  Cork Court Tron AREA:  Correction of a Protected  Planning & Development Act 2000 been requested
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Please tick appropriate box to show applicant's legal interest in the land or structure:  Where legal interest is "Other", please state your interest in the land/structure:  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):  6. PROTECTED STRUCTURE DETAILS /  Is this a Protected Structure/Proposed Protected S Structure:  Yes  No  If yes, has a Declaration under Section 57 of the F or issued for the property by the Planning Author.  If yes, please state relevant reference No. N/A	A. Owner Planning Department  BRIAN NOAN 05 NOV 2024  Cork Court Tructure or within the curtilage of a Protected Planning & Development Act 2000 been requested ity: Yes No
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Please tick appropriate box to show applicant's legal interest in the land or structure:  Where legal interest is "Other", please state your interest in the land/structure:  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):  6. PROTECTED STRUCTURE DETAILS /  Is this a Protected Structure/Proposed Protected Structure:  Yes No  If yes, has a Declaration under Section 57 of the For issued for the property by the Planning Author.  If yes, please state relevant reference No. N/A  Is this site located within an Architectural Conser	A. Owner Planning Department  BRIAN DOAN  O5 NOV 2024  COOK COUNTY TION AREA:  Corrected Planning & Development Act 2000 been requested ity: Yes No V

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	8.	DATA	PROTE	CTION	DECLA	ARATION
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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 <a href="http://www.corkcoco.ie/privacy-statement-cork-county-council">http://www.corkcoco.ie/privacy-statement-cork-county-council</a> 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	y the	Planning Authority
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	I give permission f	or my personal information to be processed for the purpose stated above
	gned By Applicant Only)	
D	ate	

#### 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 <a href="https://www.corkcoco.ie/privacy-statement-cork-county-council">https://www.corkcoco.ie/privacy-statement-cork-county-council</a> 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 Pla	unning Authority to be processed
for the purpose stated above.	Planning Department
Signed	
Date	05 NOV 2024

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 or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: 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:

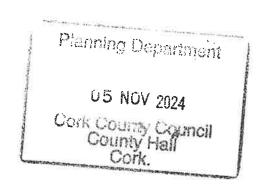
The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- 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 <u>Planning and Development Acts 2000</u>, as amended and the Regulations made thereunder:

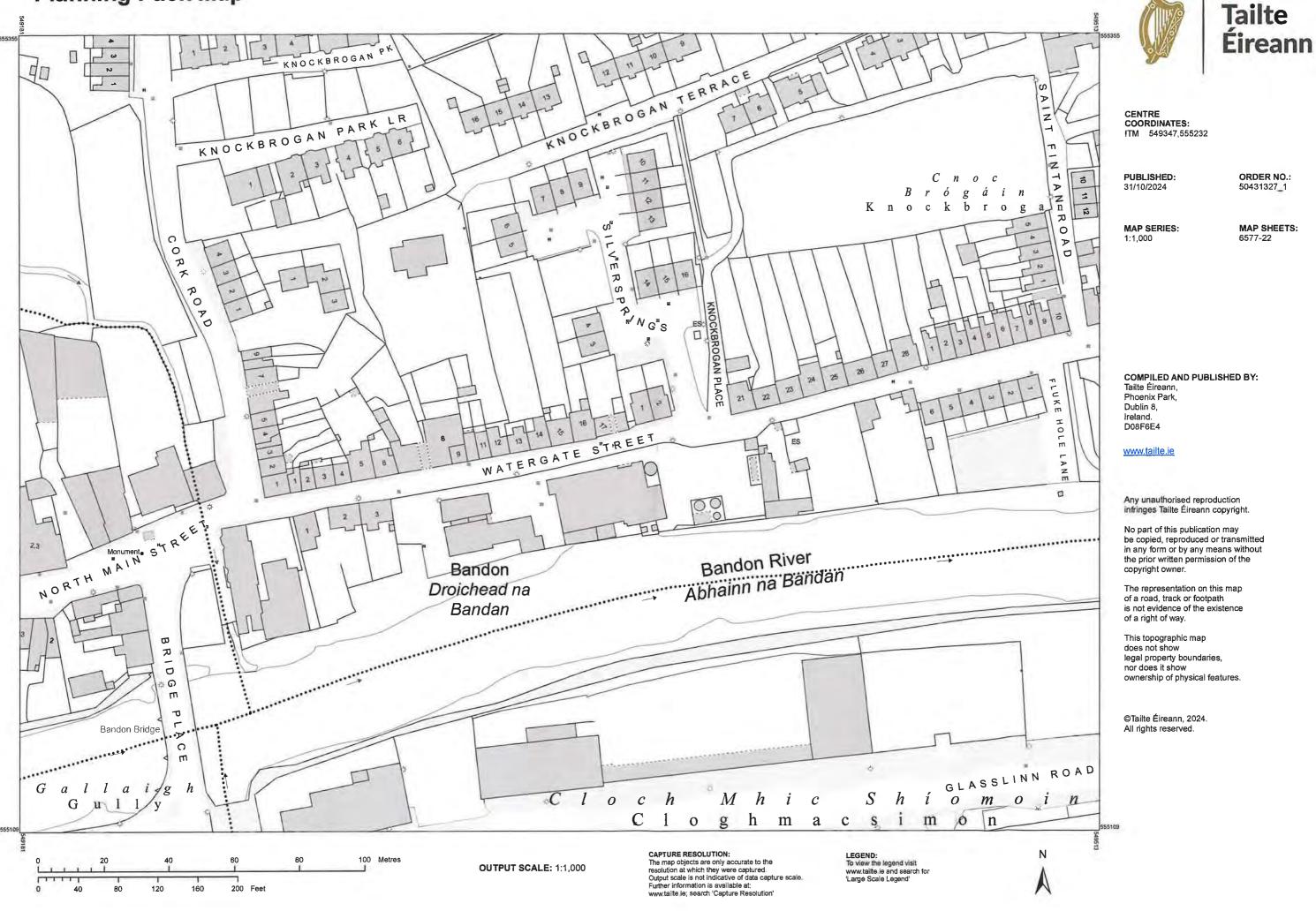
Signed (Applicant or Agent as appropriate)	NIALL HEGARTY (AGENT) - SM BUILDING CONSULTANCY	BLDG CHARTERED SWEVEYO	ne.
Date	31-Oct-2024		



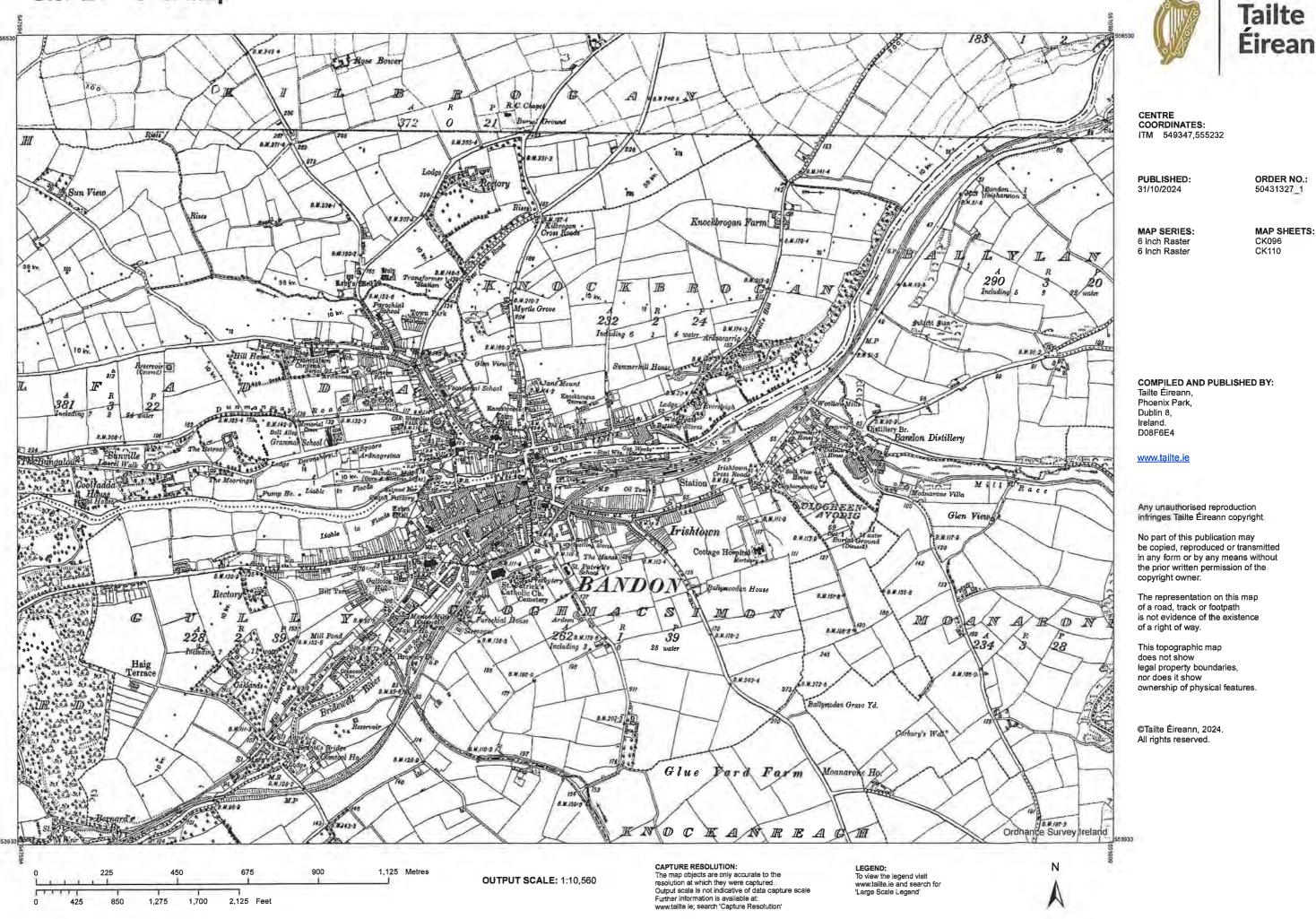
**Site Location Map Tailte** Éireann W.242 4 Wy Hose Bou 2/ 200 372 COORDINATES: Riter' ITM 549347,555232 A.K.III'4 PUBLISHED: ORDER NO.: 31/10/2024 50431327\_1 MAP SERIES: MAP SHEETS: CK098 6 Inch Rester 6 Inch Raster CK110 290 Including 5 20 24 0. W. 71.2/ COMPILED AND PUBLISHED BY: Tallte Éireann, Phoenix Park, Dublin 8, Ireland. D08F6E4 www,tajlte.ie Any unauthorised reproduction Glen View infringes Talite Éireann copyright. 8.W.117.0 No part of this publication may be copied, reproduced or transmitted In any form or by any means without the prior written permission of the copyright owner. exast. Aware . The representation on this map of a road, track or footpath 5 is not evidence of the existence (D) IN of a right of way. \*\*.1000 This topographic map 25 mater in to does not show Haig Terrace legal property boundaries. nor does it show W.2454 Lexamo ownership of physical features. Ballymoden Grace Vd. E M. 207.5 | B. ©Talte Éireann, 2024 All rights reserved Glue Mounarone Ho. Farm B# 1500 JEW.1873 NO C KANREA Ordhance Survey ireland CAPTURE RESOLUTION: The map objects are only accurate to the Ν 1.125 Metres To view the legend visit OUTPUT SCALE: 1:10,560 resolution at which they were captured Output scale is not indicative of data capture scale www.tailte is and search for 'Large Scale Lagend' Further information is available at: www.teilte le; search 'Capture Resolution'

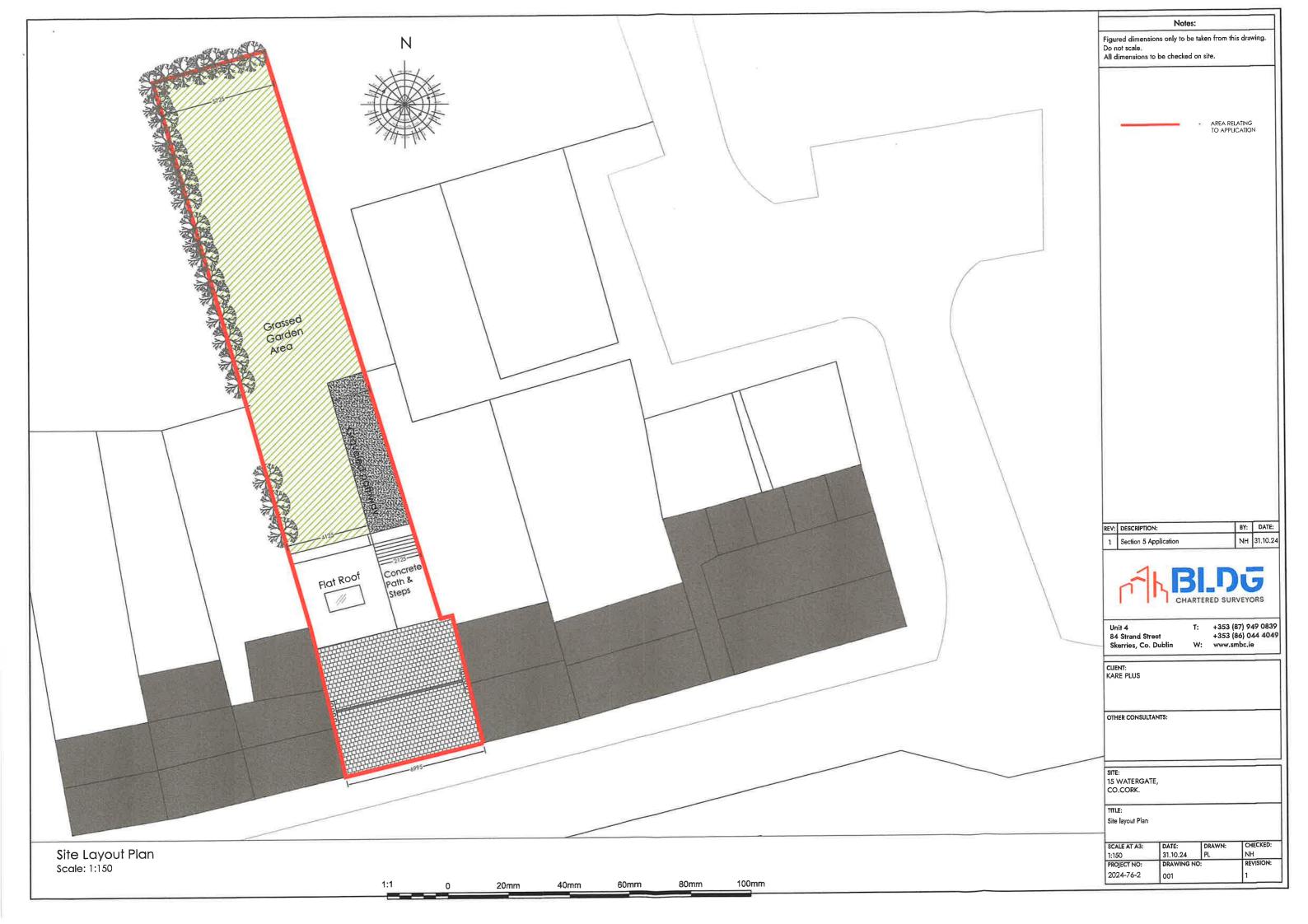
#### Planning Pack Map **Tailte** Éireann KNOCKBROGAN 40 KNOCKBROGAN TERRACE KNOCKBROGAN PARK LR CENTRE COORDINATES: ITM 549347,555232 INTA PUBLISHED: ORDER NO.: 4 31/10/2024 50431327\_1 4 MAP SERIES: MAP SHEETS: 0 6577-22 ORK 50 N P S PO PANGS COMPILED AND PUBLISHED BY: Tailte Éireann. Phoenix Park, Dublin 8. Ireland. D08F6E4 WATERGATE STREET www.tailte.ie Bandon River Abhainn na Bàndan D Any unauthorised reproduction MONTH MAIN STREET infringes Tailte Éireann copyright No part of this publication may be copied, reproduced or transmitted In any form or by any means without the prior written permission of the copyright owner. The representation on this map of a road, track or footpath is not evidence of the existence of a right of way Ø This topographic map does not show D legal property boundaries, nor does it show 10 ownership of physical features G ©Tailte Éireann, 2024 Bandon Bridgi All rights reserved ..7 GLASSLINN ROAD Cloch Shiomoin g h m a c s i m CAPTURE RESOLUTION: The map objects are only accurate to the To view the legend visit www.falte is and search for 'Large Scale Legend' OUTPUT SCALE: 1:1,000 resolution at which they were captured Output scale is not indicative of data capture scale Further information is available at: www.teilte ie: search 'Capture Resolution

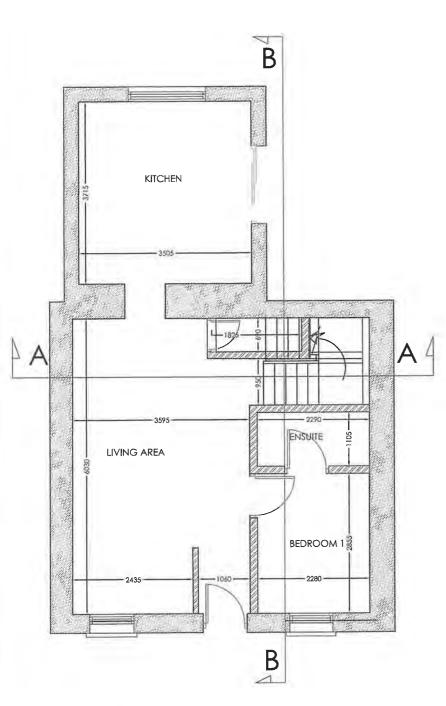
### **Planning Pack Map**



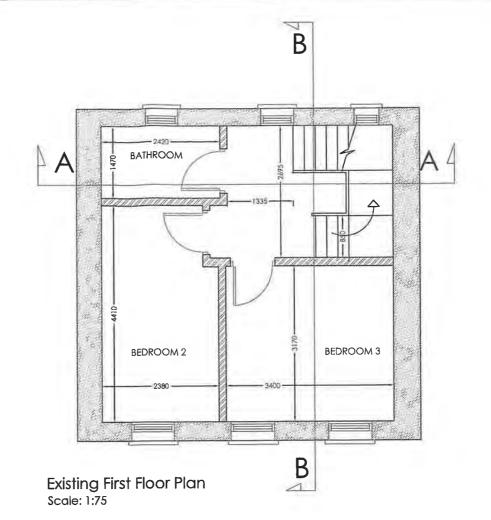
### **Site Location Map**

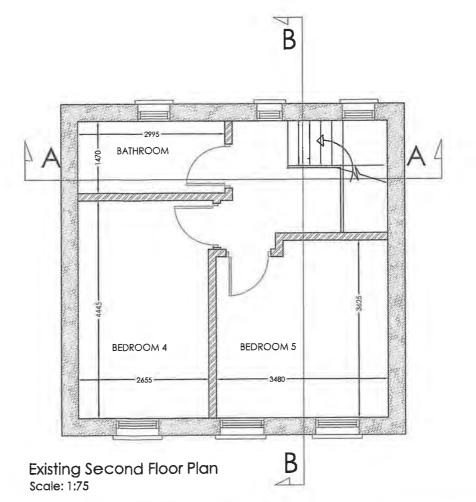


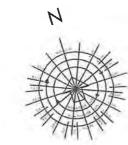




Existing Ground Floor Plan Scale: 1:75







Notes:

Figured dimensions only to be taken from this drawing.
Do not scale.
All dimensions to be checked on site.

REV: DESCRIPTION: BY: DATE:

1 Section 5 Application NH 31.10.24

CHARTERED SURVEYORS

Unit 4 T: +353 (87) 949 0839 84 Strand Street +353 (86) 044 4049 Skerries, Co. Dublin W: www.smbc.ie

1

CLIENT: KARE PLUS

OTHER CONSULTANTS:

SITE: 15 WATERGATE, CO.CORK.

TITLE: Existing Floor Plans

 SCALE AT A3:
 DATE:
 DRAWN:
 CHECKED:

 1:75
 31.10.24
 Pl.
 NH

 PROJECT NO:
 DRAWING NO:
 REVISION:

 2024-76-2
 002
 1

0 20mm 40mm 60mm 80mm 100mm



