

Comhairle Contae Chorcaí Cork County Council

Braemore Capital Partners LP,
c/o Ian O' Mahony,
Lisheenroe,
Knockraha,
Co. Cork.
T56 TY06.

Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.
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Tel (021) 4276891 • Fax (021) 4276321
Email: planninginfo@corkcoco.ie
Web: www.corkcoco.ie



28th July, 2023

REF: D/240/23
LOCATION: Unit 1, Market Square, Mallow, Co. Cork.

**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 11th May and 10th July 2023 the Planning Authority, having considered the question whether the change of use of an existing vacant 2nd floor unit over a commercial property to 2no. residential apartments at **Unit 1, Market Square, Mallow, Co. Cork** is or is not development and is or is not exempted development has declared that it **is development and is not exempted development.**

Reason for Decision

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

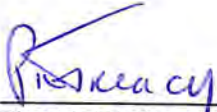
- Sections 2, 3, and 4 of the Planning and Development Act (2000, as amended)
- Articles 10(6)(c)(ii) and 10(6)(d)(vii) of the Planning and Development Regulations (2001, as amended) and
- The particulars received by the Planning Authority on 11th May and 10th July 2023

It is concluded by the Planning Authority that:

The proposed change of use to provide 2 no. of apartments at 2nd floor, Unit 1, Market Square, William O'Brien Street, Mallow. Co. Cork **is Development and is 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,



**PIO TREACY,
ADMINISTRATIVE 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>



Planning and Development Directorate
Section 5 – Application for Declaration of Exemption Certificate

Ref: D/240/23 – Section 5 Declaration

Name: Breamore Capital Partners LP

Development: Is the change of use of an existing vacant 2nd floor unit over a commercial property at No.2 O’Brien Street, Mallow, Co. Cork to 2 no. residential apartments considered development and if so is it considered exempted development.

It is noted, the Planning and Development (Amendment) (No. 2) Regulations 2018 provides for an exemption for the change of use to residential from Class 1, 2, 3 or 6 of Part 4 to Schedule 1, without the need to obtain planning permission. The relevant period of this amendment has been extended to the end of 2025 as part of the current Government’s “Housing for All” plan.

Address: No. 2 O’Brien Street, Mallow, Co. Cork

Site Location:



Fig.1: Subject Site Location Map As Submitted.

The submitted application form states the property is at No. 2 O'Brien Street, Mallow, Co. Cork and the 1:1000 Failte Eireann location map indicates this. However, the submitted elevation drawings do not correspond with this address. The applicant shall be requested to clarify and confirm the property address and submit a revised 1:1000 location.

The elevations appear to be closer reflect property at no. 1 Market Square, William O'Brien Street, P51 TOHX, which is not No.2 O'Brien Street. The correct address and location is required to enable assessment.

Planning History:

To be completed once location of property is clarified.

Question subject of the Section 5:

On the basis of the information submitted the question to be addressed under this request is as follows:

Is the change of use of an existing vacant 2nd floor unit over a commercial property at No.2 O'Brien Street, Mallow, Co. Cork to 2 no. residential apartments considered development and if so is it considered exempted development?

Legislative Context:

Planning and Development Act 2000 (as amended)

Section 3(1) of the Act states 'development' means:

"In this Act, except where the context otherwise requires, "development" means— (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021)"

Section 2 of the Act defines 'works' as:

"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 4 of the Act sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act.

Section 4(1)(h) of the Planning and Development Act 2000 (as amended) provides an exempted development provision for:

"development consisting of the carrying out of works for the maintenance, improvement or other alterations 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."

Planning and Development Regulations 2001 (as amended)

Article 6 states:- "(1) Subject to Article 9, development of a class specified in column 1 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.

In this regard it is noted that there is no exemption listed under Article 6, Schedule 2 of the Planning and Development Regulations 2001 (as amended) for the development described as;

“the change of use of an existing vacant 2nd floor unit over a commercial property at No.2 O’Brien Street, Mallow, Co. Cork to 2 no. residential apartments”

The proposal consists of a change of use and internal alterations/subdivision to the 2nd floor of an existing building. Therefore Section 4 of the Planning and Development Act 2000 (as amended) will be relevant to the assessment of this Section 5 Declaration.

In addition, the regulations cited as the Planning and Development (Amendment)(No.2) Regulations 2018 are applicable and relevant. Sub-article 10(6) of the regulations (S.I. No. 75/2022) are of note.

Under Article 9(1), Development to which article 6 relates shall not be exempted development for the purposes of the Act, if the carrying out of the development engages one of the de-exemptions listed.

Assessment

I note the details and drawings submitted as part of the application.

A site visit was undertaken on the 24/05/2023.

- *Development?*

Having regard to the nature of the proposed works, and the broad definition of works set out in Section 2(1) and 3(1) of the Act it is considered that the proposal does constitute ‘works’ and a ‘material change in the use of the structure’ and therefore the proposals do constitute ‘development’ for planning purposes.

The key question therefore is whether the proposal is or is not exempted development.

- *“Is or is not exempted development?”*

Q. Is the change of use of an existing vacant 2nd floor unit over a commercial property at No.2 O’Brien Street, Mallow, Co. Cork to 2 no. residential apartments considered development and if so is it considered exempted development?

The proposal from the submitted drawing and documentation involves the change of use of from vacant second floor space to 1 no. 1 bed apartment and 1 no. 2 bed apartment. Internal subdivision of rooms are required to facilitate the change of use.

The regulations cited as the Planning and Development (Amendment)(No.2) Regulations 2018 are noted. Sub-article 10(6) of the regulations (S.I. No. 75/2022) is noted (see Appendix).

The exemption applies to existing buildings that have a current commercial use with reference to Classes 1, 2, 3, and 6 of Part 4 to Schedule 2 of the Planning and Development Regulations 2001. The definition of these Classes is set out below:

Class 1: Use as a shop.

Class 2: Use for the provision of (a) financial services, (b) professional services (other than health or medical services), (c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.

Class 3: Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

Class 6: Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).

Class 12: Use as a Public House, meaning a premises which has been licensed for the sale and consumption of intoxicating liquor on the premises under the Licensing Acts 1833 to 2018.

The requirements of the regulations are noted.

It appears that the structure concerned was completed prior to the making of the regulations amendment.

The applicant should be requested to confirm that the structure has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12. Photographic evidence of its current use/state shall be submitted.

The applicant should be requested to confirm that the structure concerned has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development.

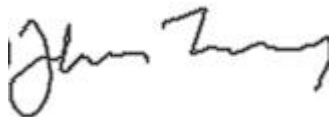
The applicant should be requested to confirm the use of the floor subject of the change of use and that it has at some time been used for the purpose of its current use class being Class 1, 2, 3,6 or 12.

The applicant should be requested to submit a schedule of floor areas and storage spaces to demonstrate that the proposal complies 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".

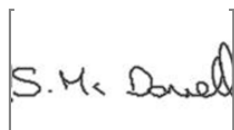
The applicant should be requested to Demonstrate that rooms for use as habitable rooms have adequate natural light.

Conclusion

Further information/clarification required.



J. Tierney
Executive Planner
30/05/2023



S. McDonnell
A/Senior Executive Planner
31/05/2023

Recommendation

To enable the Planning Authority to issue the declaration on the question, further information shall be requested in accordance with Section 5(2)(b) of the PDA 2000 as amended:

1. The submitted application form states the property is at No. 2 O'Brien Street, Mallow, Co. Cork and the 1:1000 Tailte Eireann location map indicates this. However, the submitted elevation drawings do not appear to correspond with this address. You are requested to clarify and confirm the property address and submit a revised 1:1000 location. The elevation drawings appear to be closely reflect property at no. 1 Market Square, William O'Brien Street, P51 TOHX, which is not No.2 O'Brien Street. The correct address and location is required to enable assessment. A revised application form shall also be submitted.
2. You are requested to submit a schedule of floor areas and storage spaces to demonstrate that the proposal complies 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".
3. You are requested to demonstrate that rooms for use as habitable rooms shall have adequate natural light. '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.
4. You are requested to requested to confirm the use of the floor subject of the change of use and that it has at some time been used for the purpose of its current use class being Class 1, 2, 3,6 or 12.
5. You are requested to confirm that the structure has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12. Photographic evidence of its current use/state shall be submitted.
6. You are requested to confirm that the structure concerned has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development.

Appendix 1 – Article 10(6)

(6) (a) In this sub-article—

‘habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

‘relevant period’ means the period from 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 character of the structure or of neighbouring structures.

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

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” issued

(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.

(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.



Further Information Assessment

1. The submitted application form states the property is at No. 2 O'Brien Street, Mallow, Co. Cork and the 1:1000 Failte Eireann location map indicates this. However, the submitted elevation drawings do not appear to correspond with this address. You are requested to clarify and confirm the property address and submit a revised 1:1000 location. The elevation drawings appear to be closely reflect property at no. 1 Market Square, William O'Brien Street, P51 TOHX, which is not No.2 O'Brien Street. The correct address and location is required to enable assessment. A revised application form shall also be submitted.

Response Assessment:

The agent has confirmed that the correct address of the property is Unit 1, Market Square, William O'Brien Street, Mallow. Co. Cork.

A revised 1:1000 Failte Eireann location map has been submitted.

2. You are requested to submit a schedule of floor areas and storage spaces to demonstrate that the proposal complies 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".

Response Assessment:

A schedule of accommodation has been submitted. Minimum requirements appear to have been met generally. However, it is noted that the storage space for unit 1 is 1.6 sq.m which is below the minimum storage space requirement of 3 sq.m set out in the design standards for apartments guidelines. However, as set out in the guidance all standards there is scope for planning authorities to exercise discretion on a case by case basis having regard to the overall quality of a proposed development. On this basis I would consider a minor shortfall (c. 1.4 sq.m) of storage space as tolerable in this instance having regard to the location and nature of the development.

3. You are requested to demonstrate that rooms for use as habitable rooms shall have adequate natural light. '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.

Response Assessment:

The response states that each of the habitable rooms within the proposed apartments have a source of natural light. The drawing submitted show a source of natural light for each of the habitable rooms however the living area in unit no. 1 is to be served by a fire rated glazed opening on the internal wall between the living area and the adjacent landing area where a large roof light allows for significant natural light to enter.

Article 10(6)(d)(vii) states that 'rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting'.

I am satisfied that the majority of the proposed development will receive adequate natural lighting, however I have concerns that the proposed living area in unit no. 1 will not receive adequate natural lighting.

Therefore, it is considered that the proposal does not accord with this sub-article.

Also, the proposed fire rated glazed opening on the internal wall between the living area and the adjacent shared landing area raises concerns regarding the level of privacy and amenity for the occupants of unit no. 1.

4. You are requested to requested to confirm the use of the floor subject of the change of use and that it has at some time been used for the purpose of its current use class being Class 1, 2, 3,6 or 12.
5. You are requested to confirm that the structure has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12. Photographic evidence of its current use/state shall be submitted.

Response Assessment:

It is stated that the unit was development with the design intent and relevant planning permission for use as Class 2 office space, however it is applicant understanding that the 2nd floor has never been used despite the original intent for Class 2.

It is stated that the 2nd floor of the property is currently not in use and has been vacant since 2005.

Article 10(6)(c)(ii) requires that the structure has at some time been used for the purpose of its current use class being Class 1, 2, 3,6 or 12. Technically, this has not been evidenced.

6. You are requested to confirm that the structure concerned has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development.

Response Assessment:

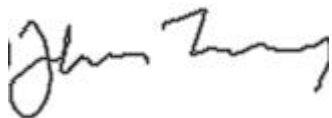
The response states that the 2nd floor of the property is currently not in use and has been vacant since 2005. Photographs of its current use/state are noted.

Recommendation

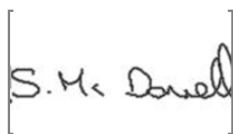
In view of the above and having to –

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended), and
- Articles 10(6)(c)(ii) and 10(6)(d)(vii) of the Planning and Development Regulations 2001 (as amended),

It is considered that the proposed change of use to provide 2 no. of apartments at 2nd floor, Unit 1, Market Square, William O'Brien Street, Mallow. Co. Cork. **Is Development** and **Is Not Exempted Development**.



J. Tierney
Executive Planner
28/07/2023



S. McDonnell
A/Senior Executive Planner
28/07/23

July 10th, 2023

Planning & Development,
County Hall,
Carrigrohane Road,
Cork,

RE: Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000 – 2010

Details: Whether the change of use of an existing vacant 2nd floor unit over a commercial property at No. 2 O'Brien Street, Mallow, Co. Cork to 2 No. residential apartments considered development and if so, is it considered exempted development.

Reference: D/240/23

Client: Breamore Capital Partners LP

Dear Sir / Madam,

In response to correspondence from the Planning Authority of Cork County Council dated 1st June 2023, please find below and attached clarification of the items raised:

1. The correct address of the property for which the Exemption Declaration is sought is:

2nd Floor,
Unit 1, Market Square,
William O'Brien Street,
Mallow,
Co Cork.

Please also see attached revised Tailte Eireann Location Map at 1:1000 scale.

2. The requested Schedule of Accommodation presented overleaf. As can be seen from Table 1, the floor areas of the both apartments is in excessive of the minimum requirements outlined in "*Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities*". The minimum requirement for a one bedroom apartment is 45m², with 61m² provided, while the minimum requirement for a two bedroom apartment is 73m², with 76.8m² provided.

Schedule of Accommodation		
Apartment Reference	Room Reference	Area (m ²)
No. 1	Lobby	4.4
No. 1	Kitchen / Living Area	36.1
No. 1	Bedroom	11.5
No. 1	Utility / Storage	1.6
No. 1	Shower Room	7.4
No. 1	Total Floor Area	61
No.2	Lobby	10.9
No.2	Storage	1.5
No.2	Utility / Storage	2
No.2	Shower Room	3.2
No.2	Living Area	23.7
No.2	Kitchen Area	12.4
No.2	Bedroom 1	11.3
No.2	Bedroom 2	11.8
No.2	Total Floor Area	76.8

Table 1: Schedule of Accommodation

- Each of the habitable rooms within the proposed apartments have a source of natural light. Figure 1 overleaf indicates the source of natural light for each of the habitable rooms. Note, the living area of apartment 1 (one bedroom unit) is provided with a fire rated glazed opening on the internal wall between the living area and the adjacent landing area where a large roof light allows for significant natural light to enter.

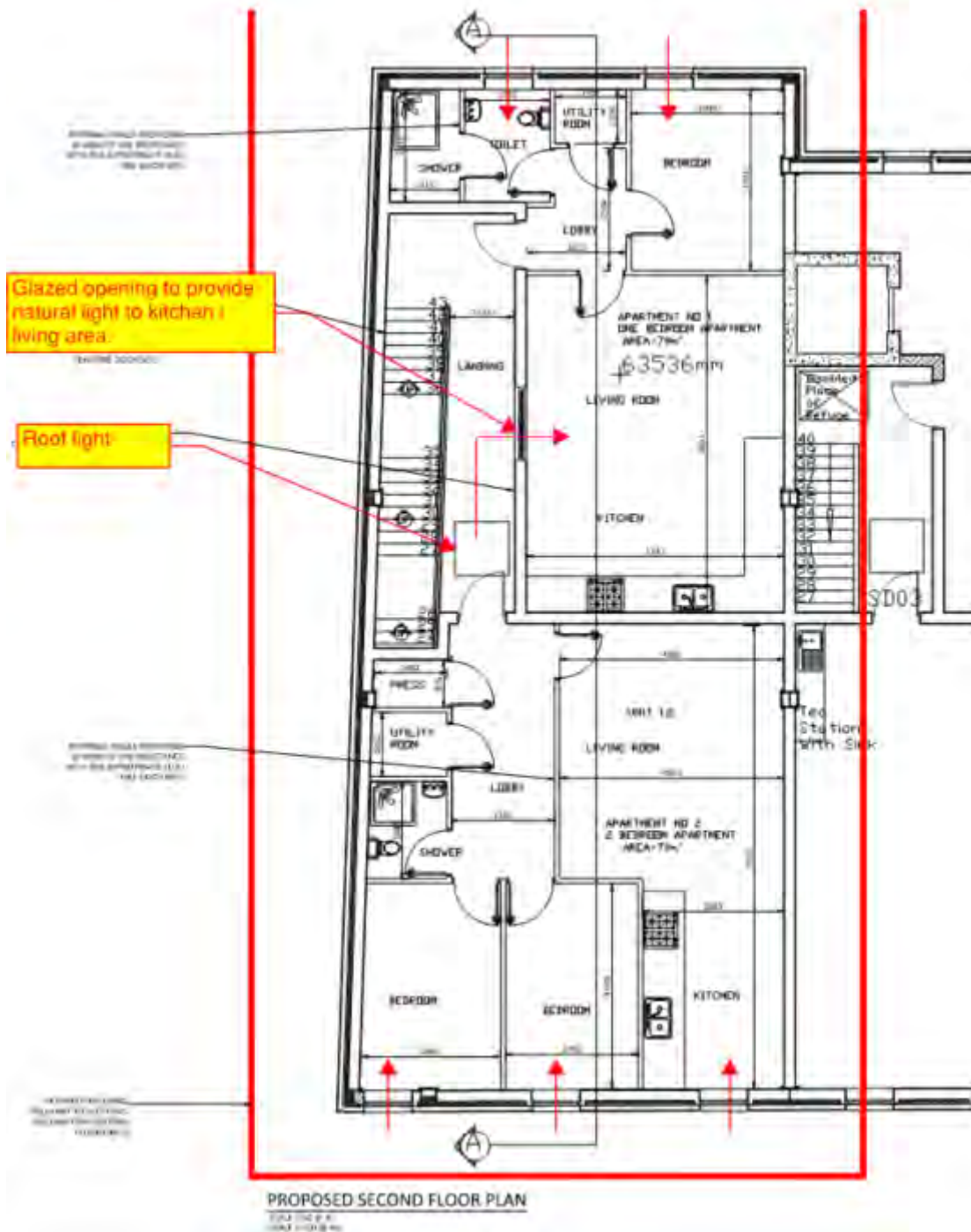


Figure 1: Source of Natural Light for each habitable room indicated with red arrow.

4. Please refer to the attached letter from the developer which addresses this item.
5. Please refer to the attached letter from the developer which addresses this item.
Photographic evidence is also attached.
6. Please refer to the attached letter from the developer which addresses this item.

Should you have any queries, please do not hesitate to contact me.



**Komplete Civil & Structural
Consulting Engineers Ltd**
a: Knockraha, Co. Cork.
t.: 087 9813554
e: ian.omahony@komplete.ie

Yours sincerely,

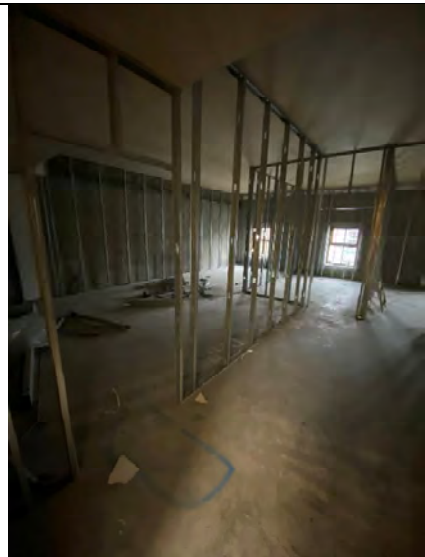
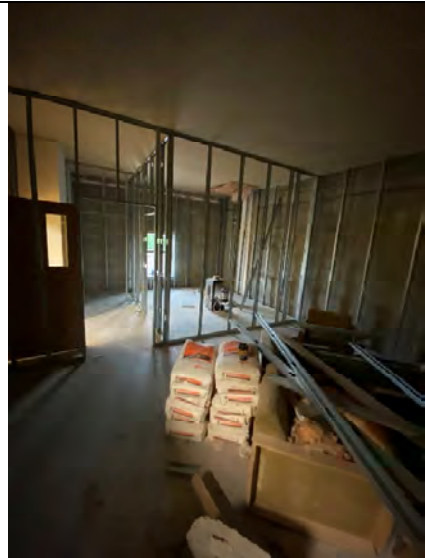
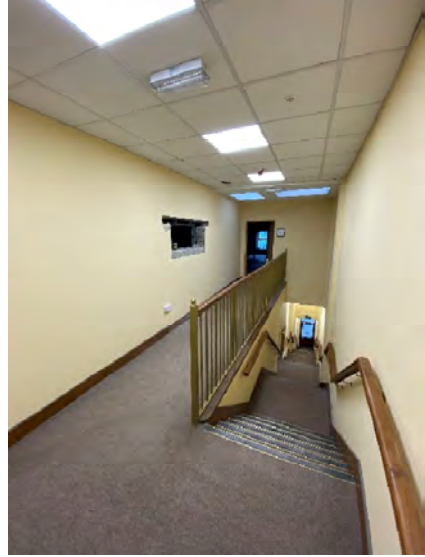
A handwritten signature in black ink that reads "Ian O'Mahony".

Date: 10/07/2023

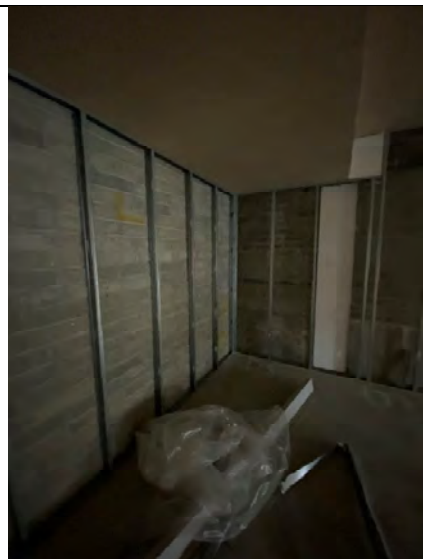
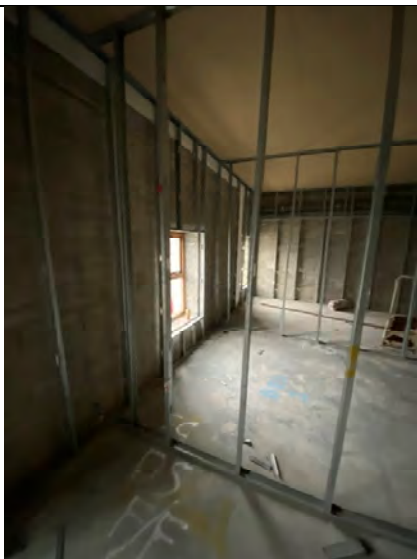
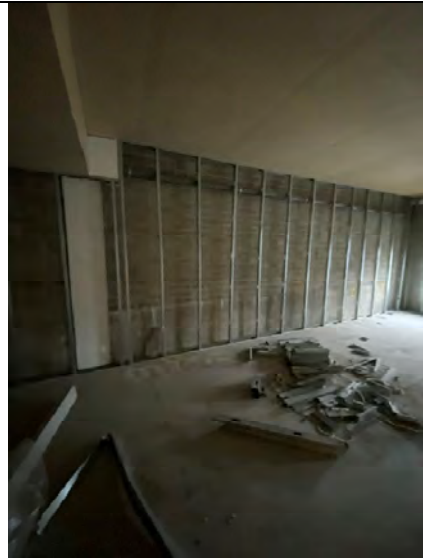
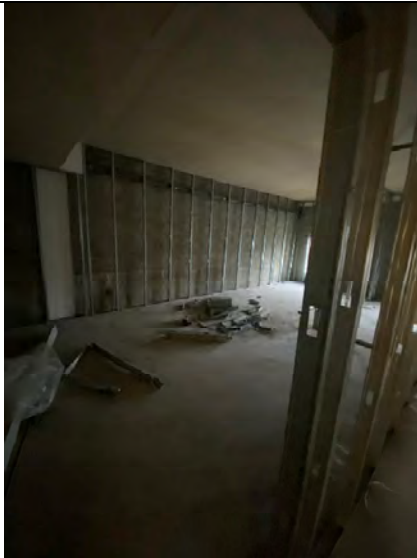
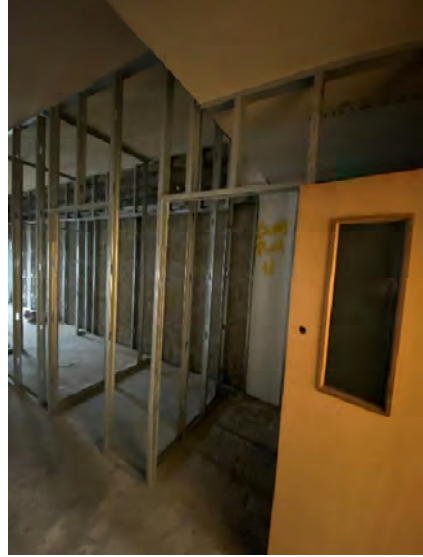
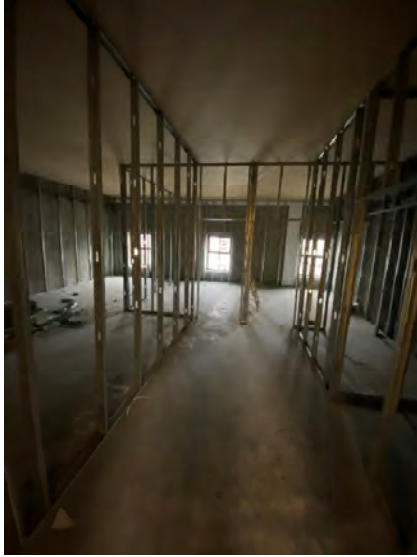
Ian O'Mahony (B.Eng. C. Eng. M.I.E.I.)

on behalf of Komplete Civil & Structural Consulting Engineers.

Section 5 Declaration of Exempted Development; ref D/240/23
At 2nd Floor, Unit 1, Market Square, William O'Brien Street, Mallow, Co Cork
Existing Site Photos



Section 5 Declaration of Exempted Development; ref D/240/23
At 2nd Floor, Unit 1, Market Square, William O'Brien Street, Mallow, Co Cork
Existing Site Photos



June 22nd, 2023

Planning & Development,
County Hall,
Carrigrohane Road,
Cork,

RE: Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000 – 2010

Details: Whether the change of use of an existing vacant 2nd floor unit over a commercial property at No. 2 O'Brien Street, Mallow, Co. Cork to 2 No. residential apartments considered development and if so, is it considered exempted development.

Reference: D/240/23

Dear Colleagues,

In response to correspondence from the Planning Authority of Cork County Council dated 1st June 2023, specifically items 4, 5 and 6, we confirm the following:

- The property was acquired by Breamore Capital Partners LP on 9th March 2018. The property was initially sold by the Developer (Fleming Developments) in December 2005 before being sold a number of times prior to the acquisition by Breamore Capital Partners LP.
- The 2nd floor of the property, which is the subject of the change of use, was developed with the design intent and relevant planning permission for use as Class 2 Office space, however it is our understanding that the 2nd floor has never been used, despite the original intent for Class 2.
- The 2nd floor of the property is currently not in use and has been vacant since 2005.
- Please see attached photographic evidence of the current use / state of the 2nd floor of the property.

Yours faithfully,



Date: 22/06/2023

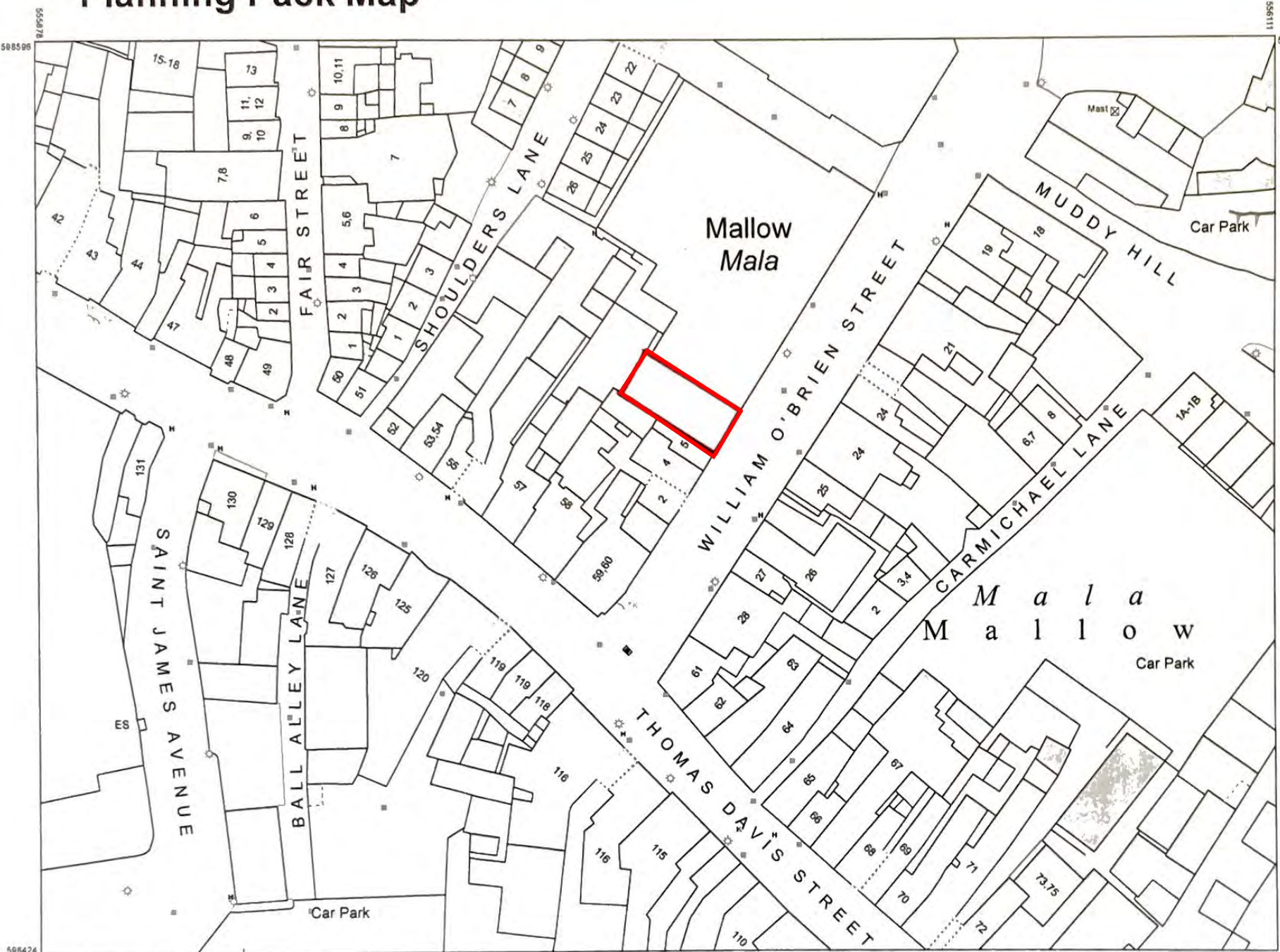
Rob Reardon

(For and On behalf of Breamore Capital Partners LP)

Planning Pack Map



Tailte Éireann



CENTRE COORDINATES:
ITM 555995,598510

PUBLISHED: 04/05/2023 **ORDER NO.:** 50332758_1

MAP SERIES: 1:1,000 **MAP SHEETS:** 5952-15
1:1,000 5953-11

- SITE BOUNDARY

COMPILED AND PUBLISHED BY:
National Mapping Division of Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland,
D08F6E4

www.tailte.ie

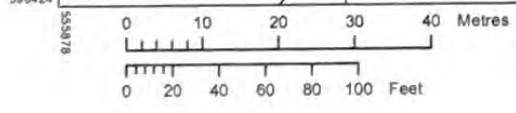
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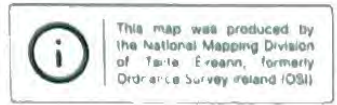
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OUTPUT SCALE: 1:1,000

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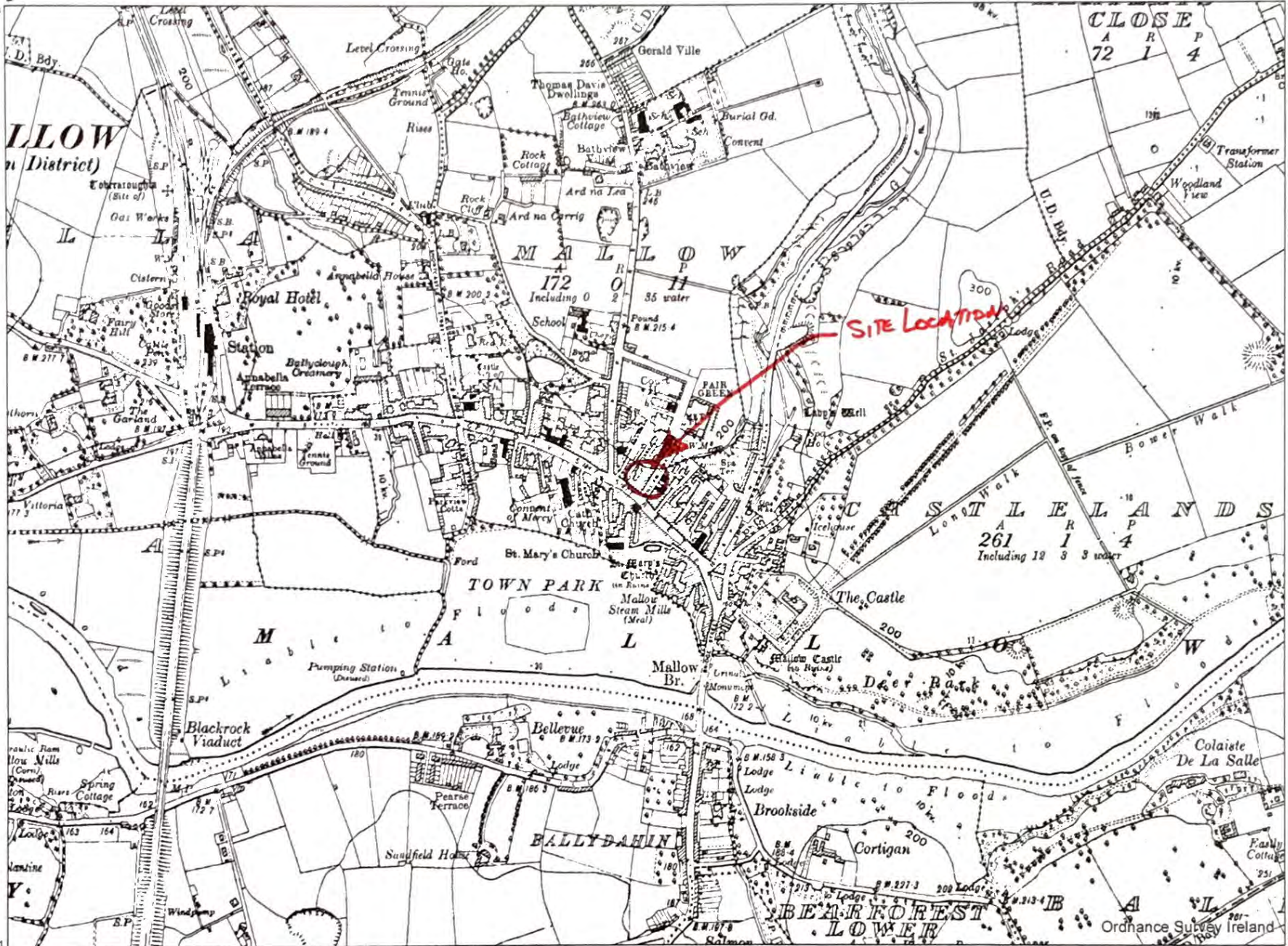
LEGEND:
To view the legend visit www.osi.ie and search for 'Large Scale Legend'



Site Location Map



Tailte Éireann



CENTRE COORDINATES:
ITM 555995,598510

PUBLISHED: 04/05/2023
ORDER NO.: 50332758_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: CK033

COMPILED AND PUBLISHED BY:
National Mapping Division of Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

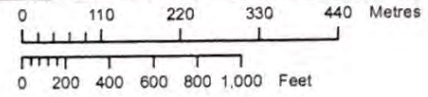
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Comhairle Contae Chorcaí Cork County Council

Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.
Fón: (021) 4276891 • Fais: (021) 4276321
R-phost: planninginfo@corkcoco.ie
Suíomh Gréasáin: www.corkcoco.ie
Planning & Development,
County Hall,
Carrigrohane Road, Cork T12 R2NC.
Tel (021) 4276891 • Fax (021) 4276321
Email: planninginfo@corkcoco.ie
Web: www.corkcoco.ie



Braemore Capital Partners LP,
c/o Ian O' Mahony,
Lisheenroe,
Knockraha,
Co. Cork.
T56 TY06.

1st June, 2023

Our Ref.: D/240/23

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

Whether the change of use of an existing vacant 2nd floor unit over a commercial property to 2no. residential apartments at No. 2 O' Brien Street, Mallow, Co. Cork is or is not development and is or is not exempted development.

Dear Sir,

I refer to your application for a Declaration of Exemption in relation to the above. To enable the Planning Authority to issue the declaration on the question, further information shall be requested in accordance with Section 5(2)(b) of the PDA 2000 as amended:

1. The submitted application form states the property is at No. 2 O'Brien Street, Mallow, Co. Cork and the 1:1000 Tailte Eireann location map indicates this. However, the submitted elevation drawings do not appear to correspond with this address. You are requested to clarify and confirm the property address and submit a revised 1:1000 location. The elevation drawings appear to be closely reflect property at no. 1 Market Square, William O'Brien Street, P51 T0HX, which is not No.2 O'Brien Street. The correct address and location is required to enable assessment. A revised application form shall also be submitted.
2. You are requested to submit a schedule of floor areas and storage spaces to demonstrate that the proposal complies 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".
3. You are requested to demonstrate that rooms for use as habitable rooms shall have adequate natural light. '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.
4. You are requested to requested to confirm the use of the floor subject of the change of use and that it has at some time been used for the purpose of its current use class being Class 1, 2, 3,6 or 12.

5. You are requested to confirm that the structure has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12. Photographic evidence of its current use/state shall be submitted.
6. You are requested to confirm that the structure concerned has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development.

Yours faithfully,



Tracy O' Callaghan,
SO 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>



Planning and Development Directorate
Section 5 – Application for Declaration of Exemption Certificate

Ref: D/240/23 – Section 5 Declaration

Name: Breamore Capital Partners LP

Development: Is the change of use of an existing vacant 2nd floor unit over a commercial property at No.2 O’Brien Street, Mallow, Co. Cork to 2 no. residential apartments considered development and if so is it considered exempted development.

It is noted, the Planning and Development (Amendment) (No. 2) Regulations 2018 provides for an exemption for the change of use to residential from Class 1, 2, 3 or 6 of Part 4 to Schedule 1, without the need to obtain planning permission. The relevant period of this amendment has been extended to the end of 2025 as part of the current Government’s “Housing for All” plan.

Address: No. 2 O’Brien Street, Mallow, Co. Cork

Site Location:

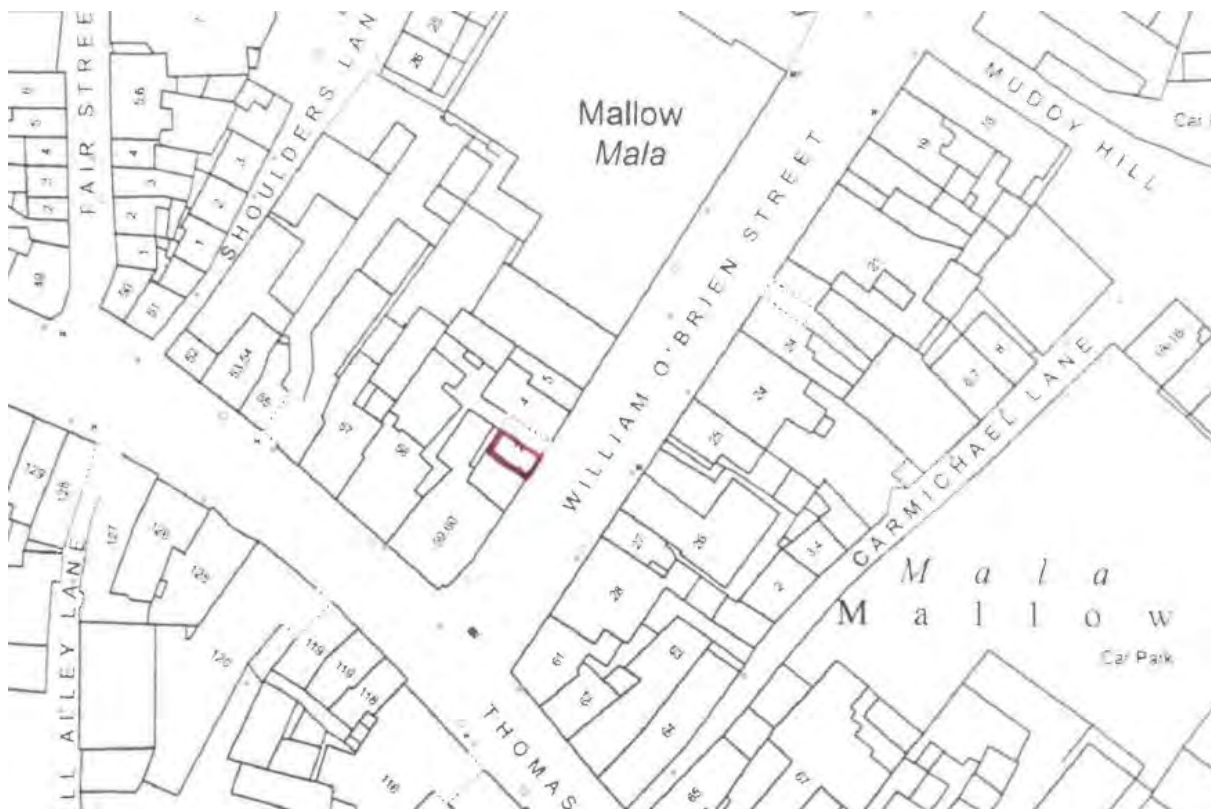


Fig.1: Subject Site Location Map As Submitted.

The submitted application form states the property is at No. 2 O'Brien Street, Mallow, Co. Cork and the 1:1000 Tailte Eireann location map indicates this. However, the submitted elevation drawings do not correspond with this address. The applicant shall be requested to clarify and confirm the property address and submit a revised 1:1000 location.

The elevations appear to be closer reflect property at no. 1 Market Square, William O'Brien Street, P51 TOHX, which is not No.2 O'Brien Street. The correct address and location is required to enable assessment.

Planning History:

To be completed once location of property is clarified.

Question subject of the Section 5:

On the basis of the information submitted the question to be addressed under this request is as follows:

Is the change of use of an existing vacant 2nd floor unit over a commercial property at No.2 O'Brien Street, Mallow, Co. Cork to 2 no. residential apartments considered development and if so is it considered exempted development?

Legislative Context:

Planning and Development Act 2000 (as amended)

Section 3(1) of the Act states 'development' means:

"In this Act, except where the context otherwise requires, "development" means— (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021)"

Section 2 of the Act defines 'works' as:

"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 4 of the Act sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act.

Section 4(1)(h) of the Planning and Development Act 2000 (as amended) provides an exempted development provision for:

"development consisting of the carrying out of works for the maintenance, improvement or other alterations 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."

Planning and Development Regulations 2001 (as amended)

Article 6 states:- "(1) Subject to Article 9, development of a class specified in column 1 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.

In this regard it is noted that there is no exemption listed under Article 6, Schedule 2 of the Planning and Development Regulations 2001 (as amended) for the development described as;

“the change of use of an existing vacant 2nd floor unit over a commercial property at No.2 O’Brien Street, Mallow, Co. Cork to 2 no. residential apartments”

The proposal consists of a change of use and internal alterations/subdivision to the 2nd floor of an existing building. Therefore Section 4 of the Planning and Development Act 2000 (as amended) will be relevant to the assessment of this Section 5 Declaration.

In addition, the regulations cited as the Planning and Development (Amendment)(No.2) Regulations 2018 are applicable and relevant. Sub-article 10(6) of the regulations (S.I. No. 75/2022) are of note.

Under Article 9(1), Development to which article 6 relates shall not be exempted development for the purposes of the Act, if the carrying out of the development engages one of the de-exemptions listed.

Assessment

I note the details and drawings submitted as part of the application.

A site visit was undertaken on the 24/05/2023.

- *Development?*

Having regard to the nature of the proposed works, and the broad definition of works set out in Section 2(1) and 3(1) of the Act it is considered that the proposal does constitute ‘works’ and a ‘material change in the use of the structure’ and therefore the proposals do constitute ‘development’ for planning purposes.

The key question therefore is whether the proposal is or is not exempted development.

- *“Is or is not exempted development?”*

Q. Is the change of use of an existing vacant 2nd floor unit over a commercial property at No.2 O’Brien Street, Mallow, Co. Cork to 2 no. residential apartments considered development and if so is it considered exempted development?

The proposal from the submitted drawing and documentation involves the change of use of from vacant second floor space to 1 no. 1 bed apartment and 1 no. 2 bed apartment. Internal subdivision of rooms are required to facilitate the change of use.

The regulations cited as the Planning and Development (Amendment)(No.2) Regulations 2018 are noted. Sub-article 10(6) of the regulations (S.I. No. 75/2022) is noted (see Appendix).

The exemption applies to existing buildings that have a current commercial use with reference to Classes 1, 2, 3, and 6 of Part 4 to Schedule 2 of the Planning and Development Regulations 2001. The definition of these Classes is set out below:

Class 1: Use as a shop.

Class 2: Use for the provision of (a) financial services, (b) professional services (other than health or medical services), (c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.

Class 3: Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

Class 6: Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).

Class 12: Use as a Public House, meaning a premises which has been licensed for the sale and consumption of intoxicating liquor on the premises under the Licensing Acts 1833 to 2018.

The requirements of the regulations are noted.

It appears that the structure concerned was completed prior to the making of the regulations amendment.

The applicant should be requested to confirm that the structure has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12. Photographic evidence of its current use/state shall be submitted.

The applicant should be requested to confirm that the structure concerned has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development.

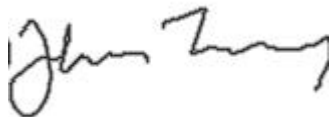
The applicant should be requested to confirm the use of the floor subject of the change of use and that it has at some time been used for the purpose of its current use class being Class 1, 2, 3,6 or 12.

The applicant should be requested to submit a schedule of floor areas and storage spaces to demonstrate that the proposal complies 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".

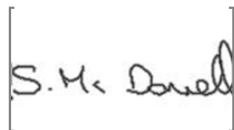
The applicant should be requested to Demonstrate that rooms for use as habitable rooms have adequate natural light.

Conclusion

Further information/clarification required.



J. Tierney
Executive Planner
30/05/2023



S. McDonnell
A/Senior Executive Planner
31/05/2023

Recommendation

To enable the Planning Authority to issue the declaration on the question, further information shall be requested in accordance with Section 5(2)(b) of the PDA 2000 as amended:

1. The submitted application form states the property is at No. 2 O'Brien Street, Mallow, Co. Cork and the 1:1000 Tailte Eireann location map indicates this. However, the submitted elevation drawings do not appear to correspond with this address. You are requested to clarify and confirm the property address and submit a revised 1:1000 location. The elevation drawings appear to be closely reflect property at no. 1 Market Square, William O'Brien Street, P51 T0HX, which is not No.2 O'Brien Street. The correct address and location is required to enable assessment. A revised application form shall also be submitted.
2. You are requested to submit a schedule of floor areas and storage spaces to demonstrate that the proposal complies 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".
3. You are requested to demonstrate that rooms for use as habitable rooms shall have adequate natural light. '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.
4. You are requested to requested to confirm the use of the floor subject of the change of use and that it has at some time been used for the purpose of its current use class being Class 1, 2, 3,6 or 12.
5. You are requested to confirm that the structure has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12. Photographic evidence of its current use/state shall be submitted.
6. You are requested to confirm that the structure concerned has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development.

Appendix 1 – Article 10(6)

(6)

(a) In this sub-article—

‘habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

‘relevant period’ means the period from 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 character of the structure or of neighbouring structures.

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

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” issued

(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.

(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.



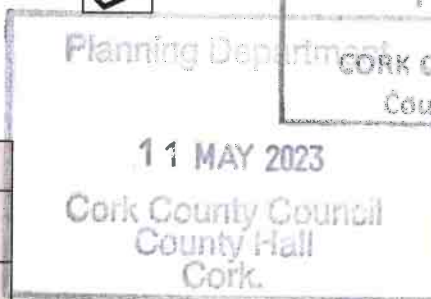
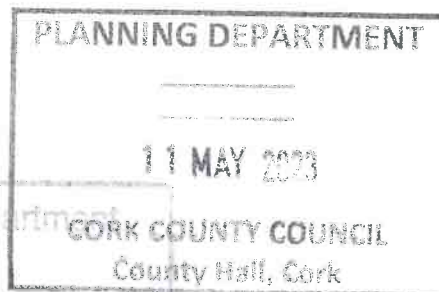
CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

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:**

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>



FOR OFFICE USE ONLY

Receipt No.	PL300x0969
Cash/Cheque/ Credit Card	Card
Date	11/05/2023
Declaration Ref. No.	D/240/23

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 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 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)

Breamore Capital Partners LP

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

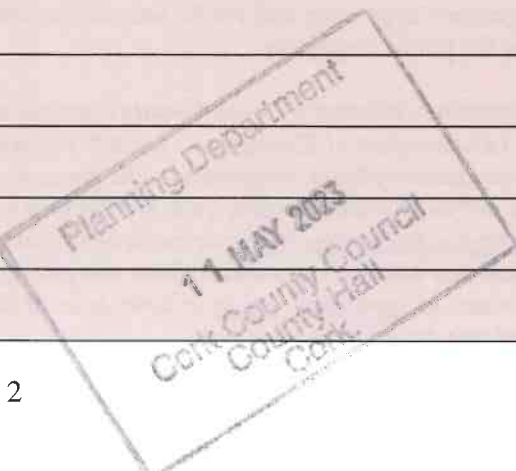
No. 2, O'Brien Street, Mallow, Co. Cork

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

Is the change of use of an existing vacant 2nd floor unit over a commercial property at No. 2
O'Brien Street, Mallow, Co. Cork to 2 No. residential apartments considered development and if
so, is it considered exempted development.
It is noted, the Planning and Development (Amendment) (No. 2) Regulation 2018 provides for
an exemption for the change of use to residential from Class 1,2,3 or 6 of Part 4 to Schedule 1,
without the need to obtain planning permission. The Relevant Period of this amendment has
been extended to the end of 2025 as part of the current Government's "Housing for All" plan.



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 (m²)

(a) Floor area of existing/proposed structure(s):	141.5 m2
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 st October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas (m ²) and previous planning reference(s) where applicable: <i>Not Applicable</i>
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use <hr/> Vacant	Proposed use <hr/> 2No. residential apartments
(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:

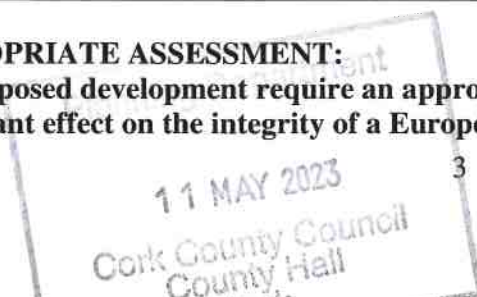
Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:		
If you are not the legal owner, please state the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

6. PROTECTED STRUCTURE DETAILS / 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 checked="" type="checkbox"/> No <input 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

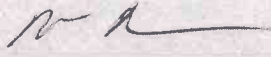


8. DATA PROTECTION DECLARATION:

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	04/08/2023

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	04/08/2023

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 Planning and Development Acts 2000, as amended and the Regulations made thereunder:

Signed (Applicant or Agent as appropriate)	
Date	04/08/2023



Planning Pack Map



Tailte Éireann



CENTRE COORDINATES:
ITM 555995 598510

PUBLISHED: 04/05/2023

ORDER NO.: 50332758_1

MAP SERIES: 1 1.000
1 1.000

MAP SHEETS: 5952-15
5953-11

— Site Boundary

COMPILED AND PUBLISHED BY:
National Mapping Division of Tailte Éireann,
Phoenix Park
Dublin 8
Ireland
D08F6E4
www.tailte.ie

PLANNING DIVISION
MAY 2023

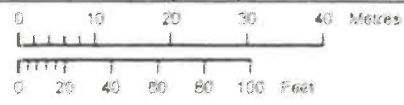
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LEGEND:
To view the legend visit www.osi.ie and search for 'Large Scale Legend'.

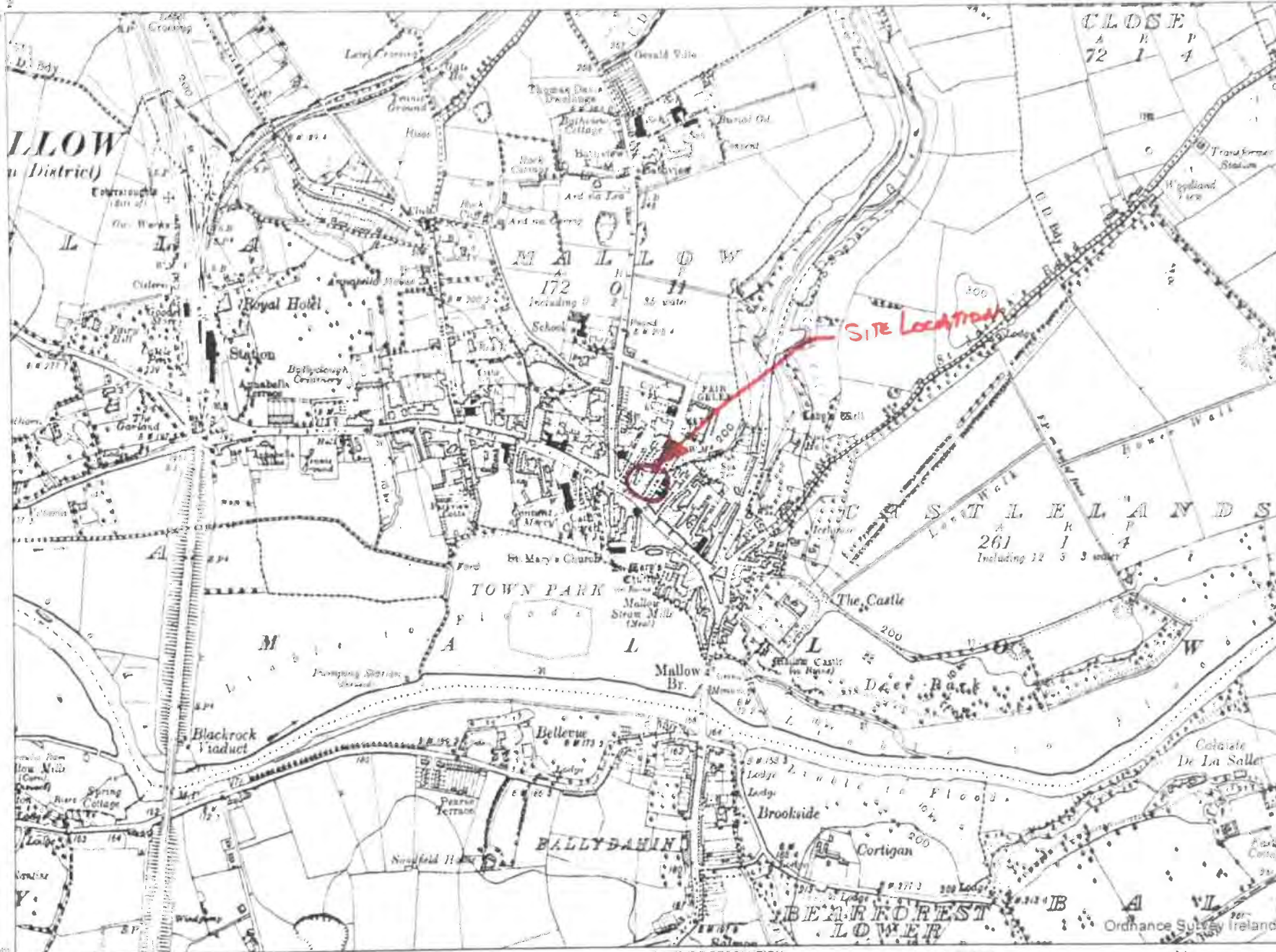


This map was produced by the National Mapping Division of Tailte Éireann, formerly Ordnance Survey, under 2023.

Site Location Map



Tailte Éireann



CENTRE COORDINATES:
ITM 565995 598510

PUBLISHED: 04/05/2023 ORDER NO.: 50332758_1

MAP SERIES: 5 Inch Raster MAP SHEETS: CK033

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National Mapping Division of
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Phoenix Park
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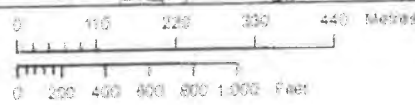
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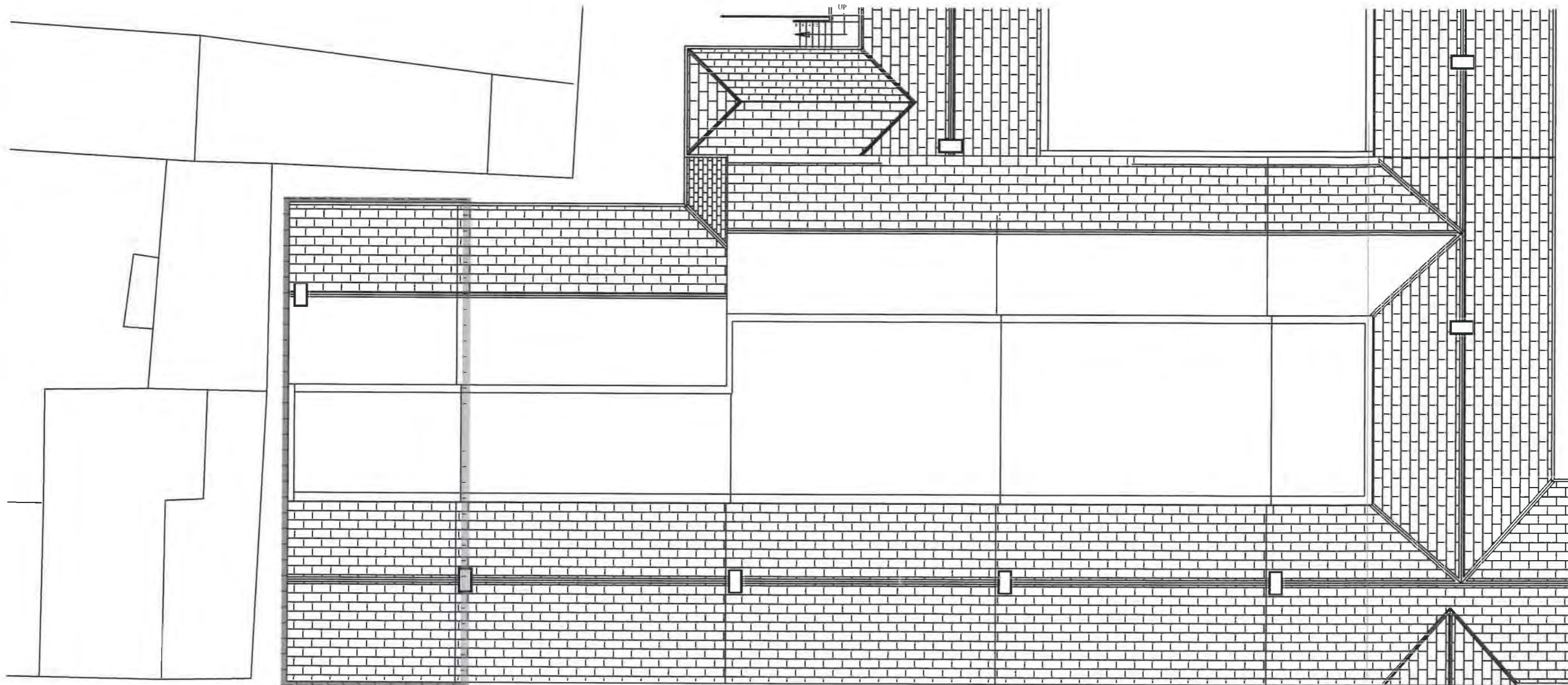
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CAPTURE RESOLUTION:
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LEGEND:
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This map was produced by the National Mapping Division of Tailte Éireann, former Ordnance Survey, Ireland (OS).



NEW STREET

WILLIAM O'BRIEN STREET

Planning Department
 11 MAY 2023
 Cork County Council
 County Hall
 Cork

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

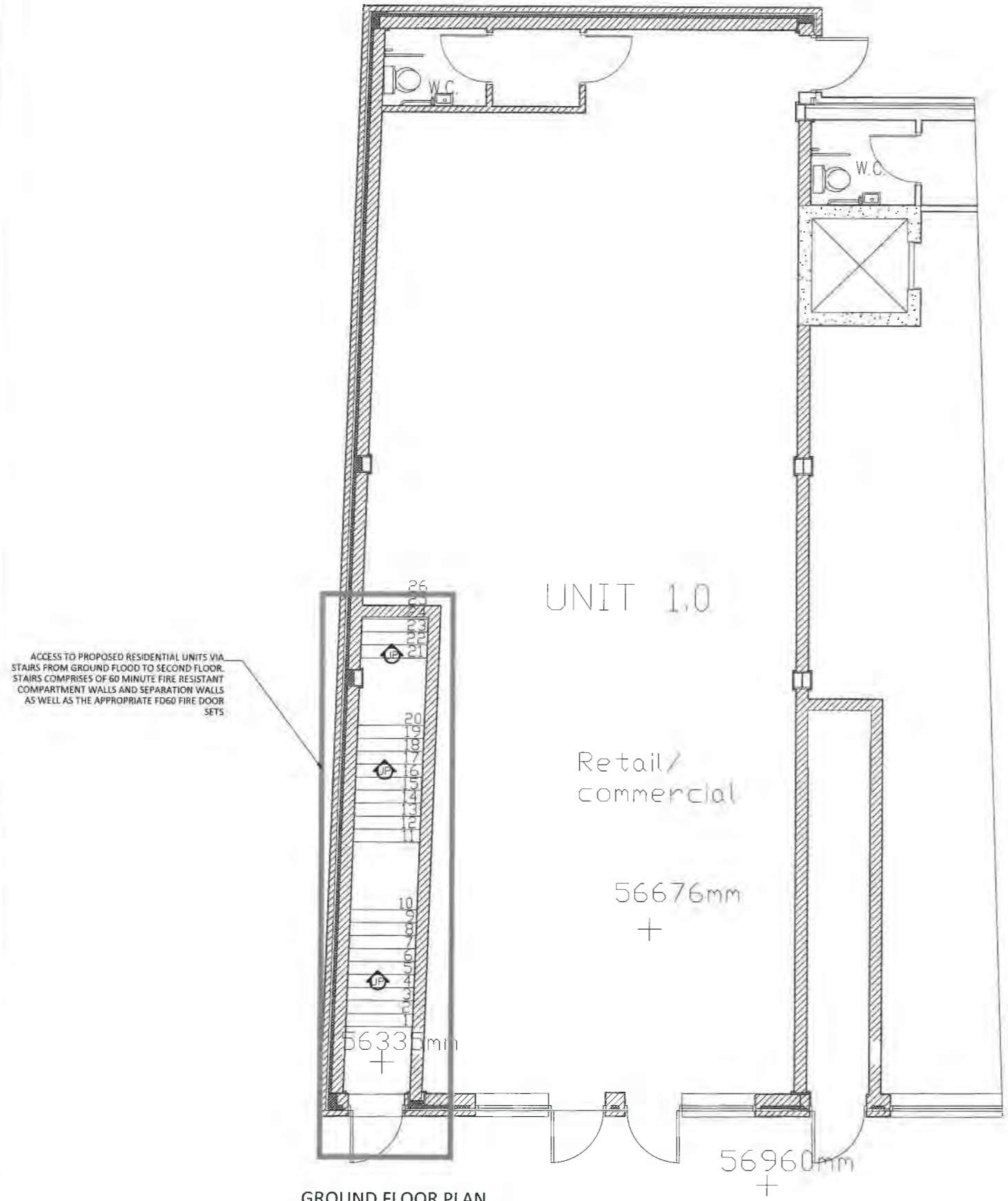
FOR PLANNING
 NOT FOR CONSTRUCTION

KOMLETE
 c: Ian O'Mahony
 a: Knockraha, Co. Cork
 e: ian.omahony@komplete.ie
 t: 087-9813554

Rev No.	Date	Revision Note

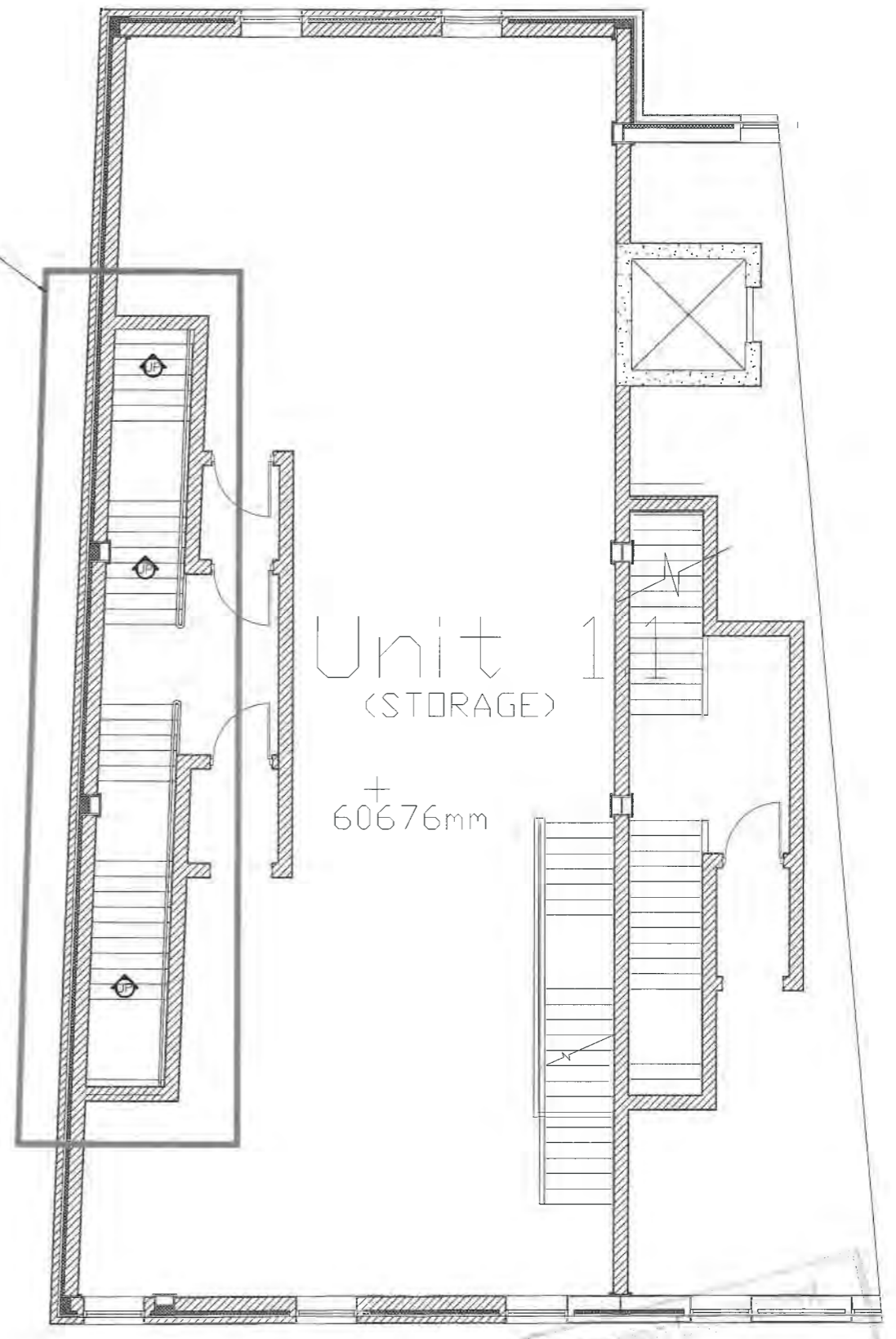
Rev No.	Date	Revision Note
P01	02/05/23	ISSUED FOR PLANNING

Client: KEVIN HARRINGTON & ROBERT REARDON		Project: No. 2 O'BRIEN STREET, MALLOW, Co. CORK	
Title: SITE LAYOUT PLAN			
Code	Originator	Type	Number
K091	KCSE	DR	001
Date: 04/22	Scale: 1:50	@ A1	Drn by: CW
Chkd by: SOM	Aprvd by: IOM	Revision	Status
		P01	PLANNING



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

ACCESS TO PROPOSED RESIDENTIAL UNITS VIA STAIRS FROM GROUND FLOOR TO SECOND FLOOR. STAIRS COMPRISES OF 60 MINUTE FIRE RESISTANT COMPARTMENT WALLS AND SEPARATION WALLS AS WELL AS THE APPROPRIATE FD60 FIRE DOOR SETS



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

FOR PLANNING
 NOT FOR CONSTRUCTION

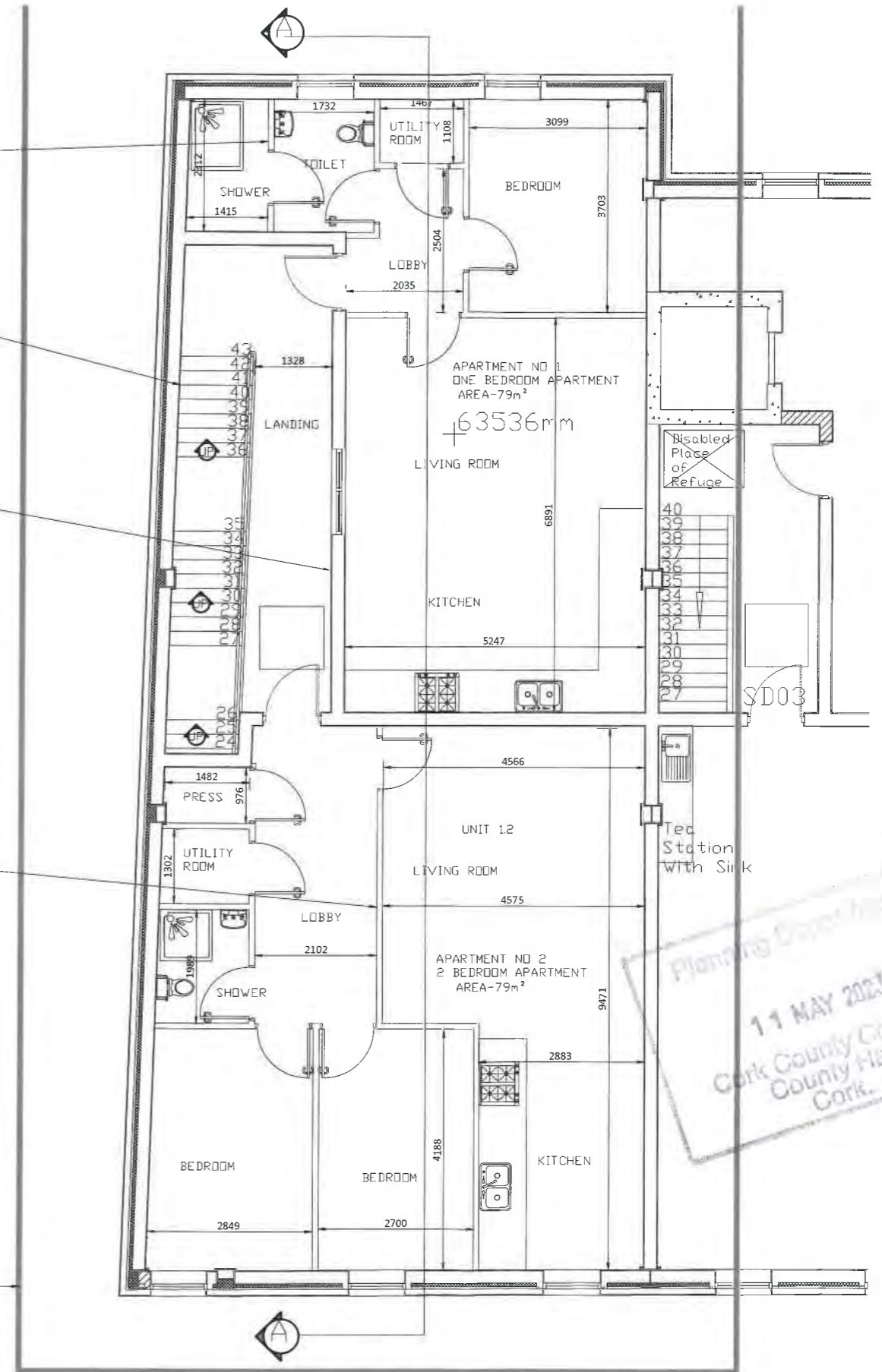
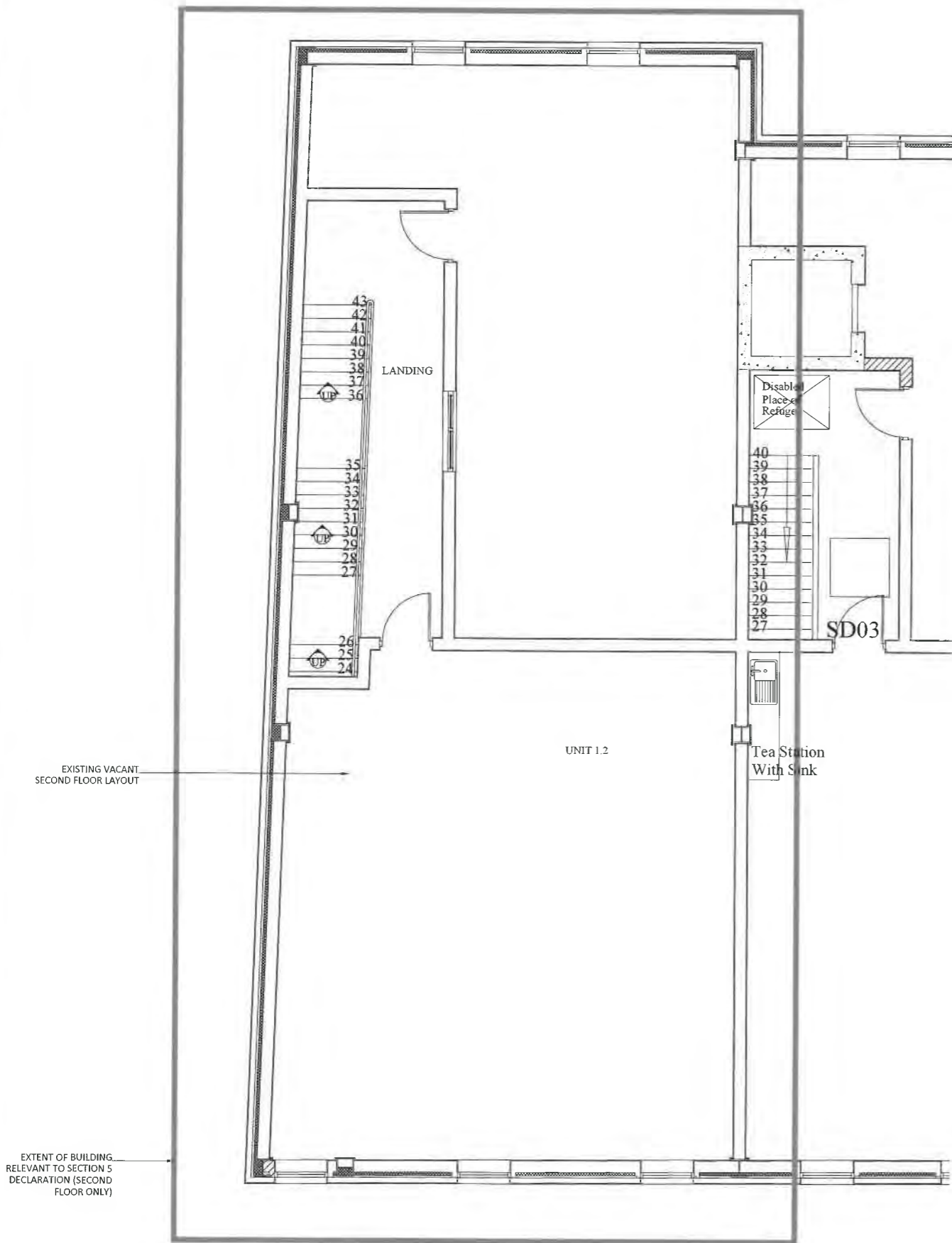


Rev No.	Date	Revision Note

FIRST FLOOR PLAN		
Rev No.	Date	Revision Note
P01	02/05/23	ISSUED FOR PLANNING

11 MAY 2023
 Mallow County Council
 Planning
 Client: KEVIN HARRINGTON & ROBERT REARDON
 Project: No. 2 O'BRIEN STREET, MALLOW, Co. CORK
 Title: GROUND FLOOR & FIRST FLOOR PLAN

Code	Originator	Type	Number	Revision	Status
K091	KCSE	DR	010	P01	PLANNING
Date:	04/22	Scale:	1:50	@ A1	Drn by: CW
Chkd by:	SOM	Aprvd by:	IOM		



INTERNAL WALLS PROVIDING 30 MINUTE FIRE RESISTANCE WITH THE APPROPRIATE FD30 FIRE DOOR SETS

ACCESS TO PROPOSED RESIDENTIAL UNITS VIA STAIRS FROM GROUND FLOOR TO SECOND FLOOR. STAIRS COMPRISES OF 60 MINUTE FIRE RESISTANT COMPARTMENT WALLS AND SEPARATION WALLS AS WELL AS THE APPROPRIATE FD60 FIRE DOOR SETS

215mm SOLID WIDE MASONRY COMPARTMENT WALLS PROVIDING 60 MINUTE FIRE RESISTANCE WITH THE APPROPRIATE FD60 FIRE DOOR SETS

INTERNAL WALLS PROVIDING 30 MINUTE FIRE RESISTANCE WITH THE APPROPRIATE FD30 FIRE DOOR SETS

EXTENT OF BUILDING RELEVANT TO SECTION 5 DECLARATION (SECOND FLOOR ONLY)

PROPOSED SECOND FLOOR PLAN

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

Planning Department
11 MAY 2023
Cork County Council
County Hall
Cork.

EXISTING SECOND FLOOR PLAN

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

FOR PLANNING
NOT FOR CONSTRUCTION

COMPLETE
Structural Consulting
c: Ian O'Mahony
a: Knockraha, Co. Cork
e: ian.omahony@complete.ie
t: 087-9813554

Rev No.	Date	Revision Note

Rev No.	Date	Revision Note
P01	02/05/23	ISSUED FOR PLANNING

Client: KEVIN HARRINGTON & ROBERT REARDON					
Project: No. 2 O'BRIEN STREET, MALLOW, Co. CORK					
Title: EXISTING & PROPOSED SECOND FLOOR PLAN					
Code	Originator	Type	Number	Revision	Status
K091	KCSE	DR	011	P01	PLANNING
Date: 04/22	Scale: 1:50	@ A1	Drm by: CW	Chkd by: SOM	Aprvd by: IOM



Planning Department
 11 MAY 2023
 Cork County Council
 County Hall
 Cork.

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

FOR PLANNING
 NOT FOR CONSTRUCTION

COMPLETE
 Chartered Consulting Engineers
 Quantity Surveyors
 c: Ian O'Mahony
 a: Knockraha, Co. Cork
 e: ian.omahony@complete.ie
 t: 087-9813554

Rev No.	Date	Revision Note

Rev No.	Date	Revision Note
PD1	02/05/23	ISSUED FOR PLANNING

Client: KEVIN HARRINGTON & ROBERT REARDON
 Project: No. 2 O'BRIEN STREET, MALLOW, Co. CORK
 Title: REAR ELEVATION
 Code | Originator | Type | Number | Revision | Status
 K091 - KCSE - DR - 012 - P01 | PLANNING
 Date: 04/22 Scale: 1:50 @ A1 Drn by: CW Chkd by: SOM Aprvd by: IOM

EXTENT OF BUILDING
RELEVANT TO SECTION 5
DECLARATION (SECOND
FLOOR ONLY)

GRAY SLATE



SMOOTH PLASTER FINISH



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

FOR PLANNING
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t: 087-9813554

Rev No.	Date	Revision Note

Rev No.	Date	Revision Note
P01	02/05/23	ISSUED FOR PLANNING

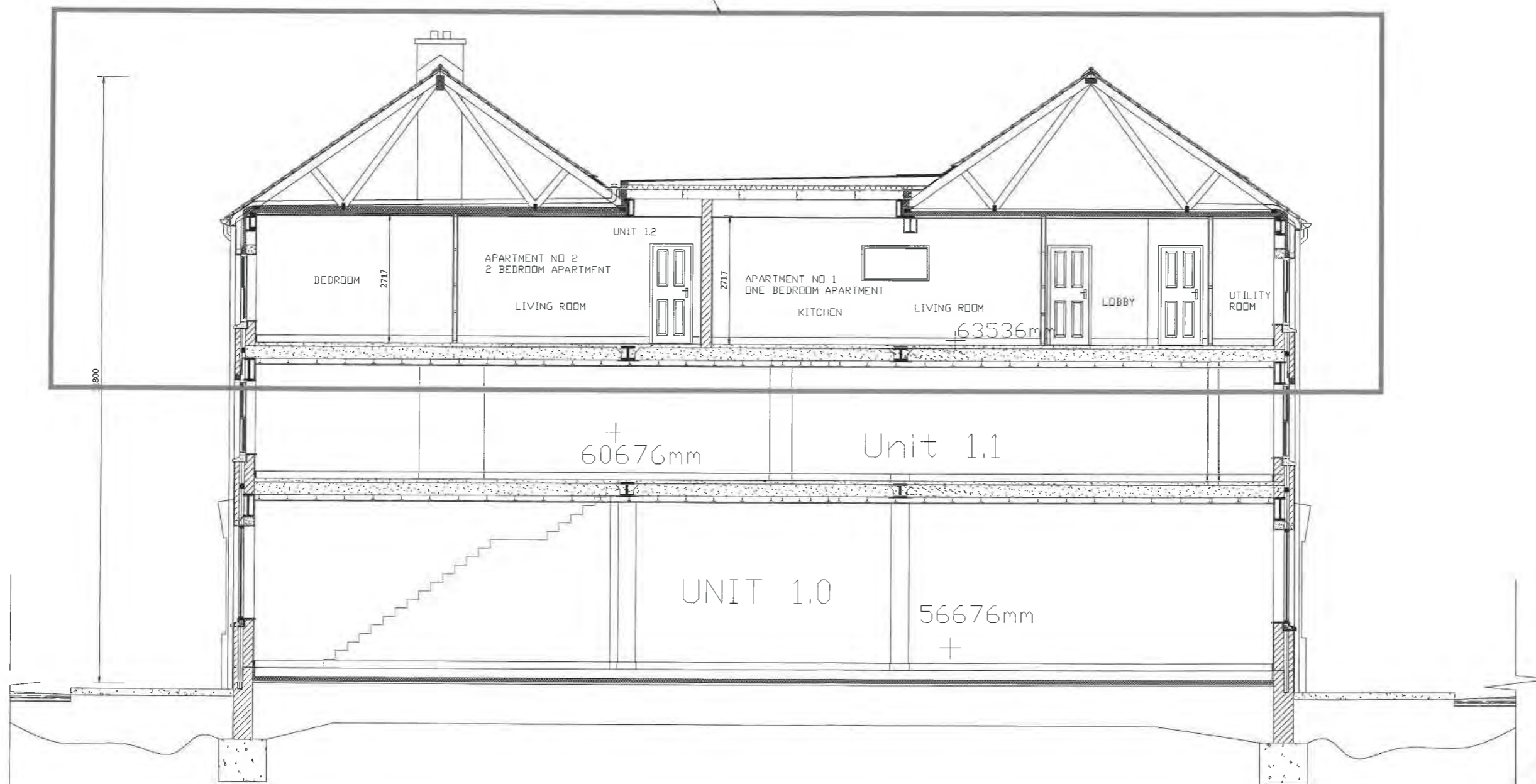
Client: KEVIN HARRINGTON & ROBERT REARDON
Project: No. 2 O'BRIEN STREET, MALLOW, Co. CORK

Title: FRONT ELEVATION

Code	Originator	Type	Number	Revision	Status
K091	KCSE	DR	013	P01	PLANNING

Date: 04/22 Scale: 1:50 @ A1 Drn by: CW Chkd by: SOM Aprvd by: IOM

EXTENT OF BUILDING
RELEVANT TO SECTION 5
DECLARATION (SECOND
FLOOR ONLY)



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

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e ian.omahony@complete.ie
t/ 087-9813554

Rev No.	Date	Revision Note

Rev No.	Date	Revision Note
P01	02/05/23	ISSUED FOR PLANNING

11 MAY 2023
Cork County Council
County Hall
Cork

Client: KEVIN HARRINGTON & ROBERT REARDON
Project: No. 2 O'BRIEN STREET, MALLOW, Co. CORK

Title: SECTION A-A

Code | Originator | Type | Number | Revision | Status
K091 - KCSE - DR 014 P01 | PLANNING
Date: 04/22 Scale: 1:50 @ A1 Drn by: CW Chkd by: SOM Aprvd by: IOM