

Comhairle Contae Chorcaí Cork County Council

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25th April, 2025

REF: D/220/25
LOCATION: Units 2 & 3, The Belfry, Bridewell Lane, Mallow, Co. Cork P51 NNK3 & P51 N7YH

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

Dear Sirs,

On the basis of the information submitted by you on 21st February, 2025 the Planning Authority, having considered whether the change of use of ground floor units 2 & 3 from vacant commercial/office use to residential use, as 2 No. 1 bedroom apartments, including proposed alterations to the front elevation/shopfront involving the replacing of 2 No. existing doors with windows and putting in place a new door to replace a section of existing window and the removal of the existing small flat roofs to the rear of the existing units to create open patio areas at **Units 2 & 3, The Belfry, Bridewell Lane, Mallow, Co. Cork P51 NNK3 & P51 N7YH** is or is not development or is or is not exempted development, has declared that it is **not exempted development**.

Reason for Decision

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

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Article 6(1), 9(1) and 10(6) of the Planning and Development Regulations, 2001, as amended,
- The planning application history relating to the site,
- The nature, extent and scope of the development outlined in the documentation submitted,

And Whereas the Planning Authority hereby decides that the proposed change of use of ground floor Units 2 and 3 from vacant commercial/office use to residential use, as 2 No. 1 bedroom apartments at **Units 2 and 3, The Belfry, Bridewell Lane, Mallow, Co. Cork** does not comply with the minimum floor area requirement and minimum storage space requirement of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities as stipulated under article 10(6)(d)(vi) of the Planning and Development Regulations, 2001, (as amended).

Accordingly, as proposed the change of use would not come within the scope of article 10(6) of the Planning and Development Regulations, 2001, (as amended).

NOW THEREFORE, Cork County Council, in exercise of the powers conferred on it by Section 5 of the 2000 Act, hereby decides that as proposed the change of use of ground floor Units 2 and 3 from vacant commercial/office use to residential use, as 2 no. 1 bedroom apartments at Units 2 and 3, The Belfry, Bridewell Lane, Mallow, Co. Cork **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,



**CATHAL DE BAROID,
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/220/25 – Section 5 Declaration

Name: John & Vincent Fitzpatrick

Development: Is the change of use of ground floor units 2 and 3 from vacant commercial/office use to residential use, as 2 no. 1 bedroom apartments, including proposed alterations to the front elevation/shopfront involving the replacing of 2 no. existing doors with windows and putting in place a new door to replace a section of existing window and the removal of the existing small flat roofs to the rear of the existing units to create open patio areas exempted development?

Address: Units 2 and 3, The Belfry, Bridewell Lane, Mallow, Co. Cork

Site Location:

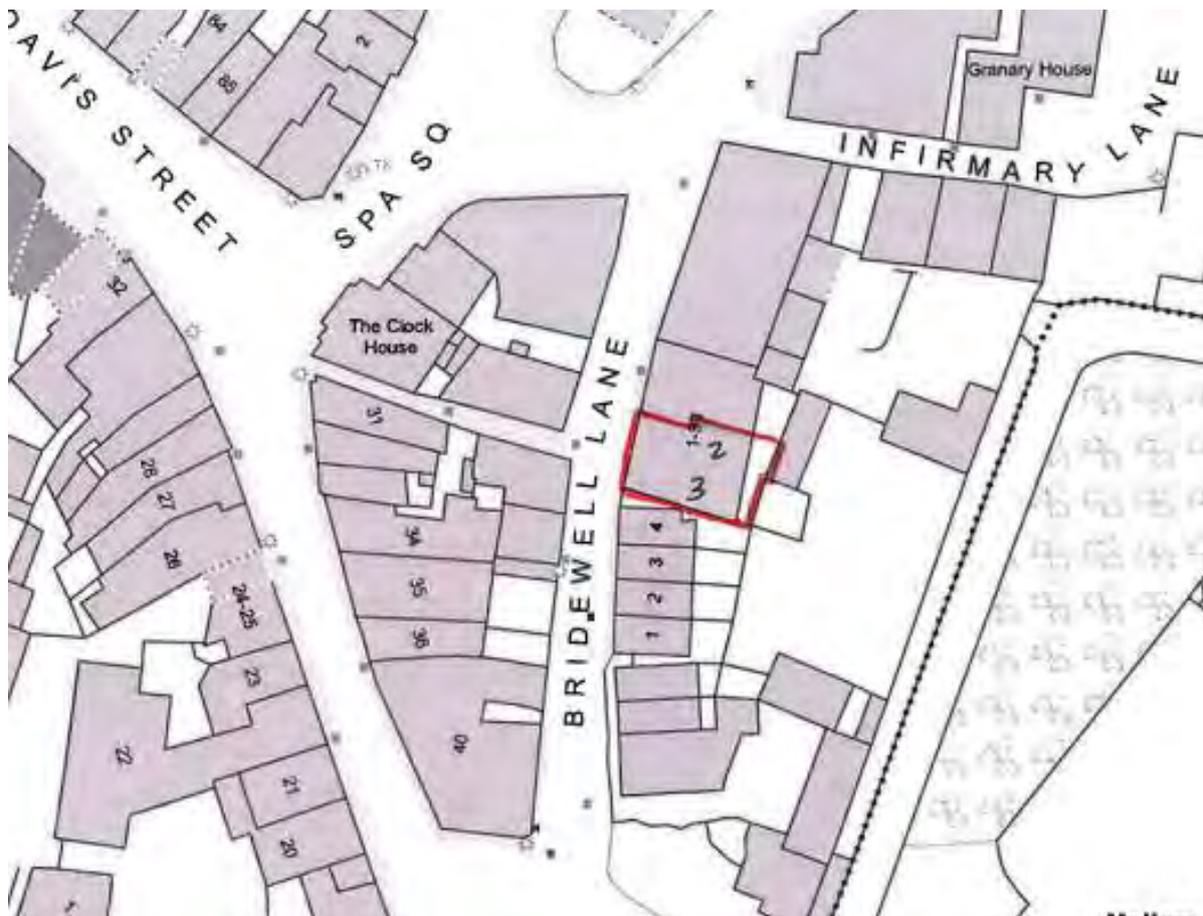


Fig.1: Subject Site Location Map As Submitted.

Planning History:

PD	Year	File	Applicant	Development Description	Address	Received	Decision	Decision Date	Final Grant
1957	1997	551957	Buckley, Denis	Demolish existing building and to construct 3 no. retail outlets on ground floor and 3 no. apartments on 1st, 2nd and 3rd floors	Bridewell Lane	01/09/97	Granted	30/10/97	01/12/97
1919	1997	551919	Buckley, Denis	Convert ground floor to 3 no. retail outlets and 1st, 2nd and 3rd floors to apartments	Bridewell Lane	30/04/97	Granted	04/06/97	04/07/97
1681	1994	551681	Buckley, Denis	Construct new roof over existing flat roof and convert to 2nd floor apartments	Bridewell Lane	14/07/94	Granted	18/07/94	

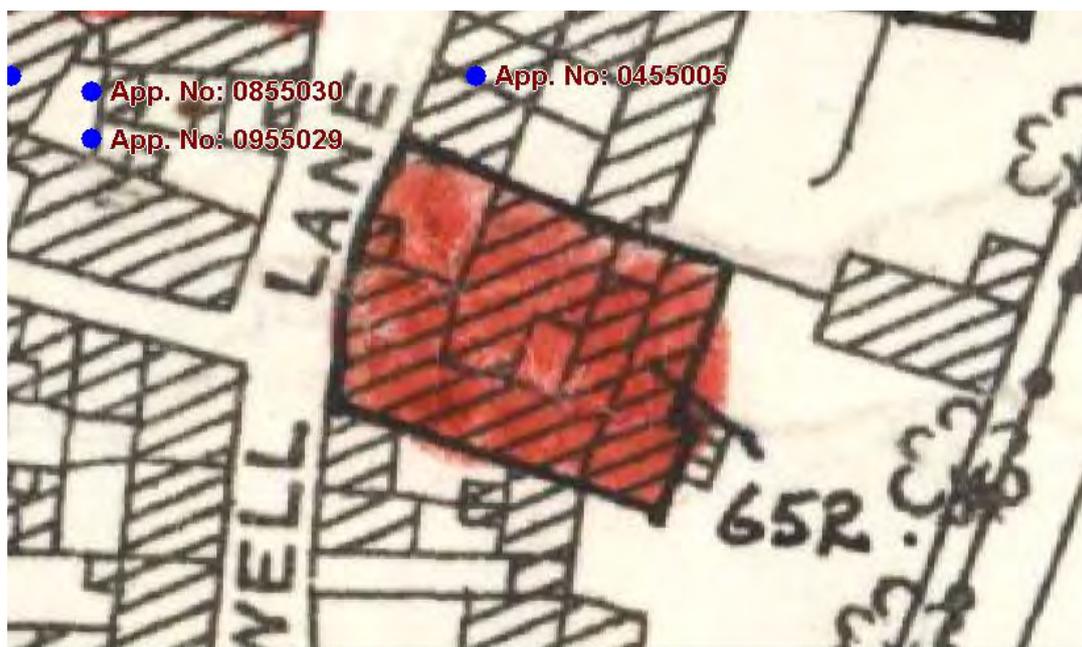


Fig.2: Planning History Map Extract

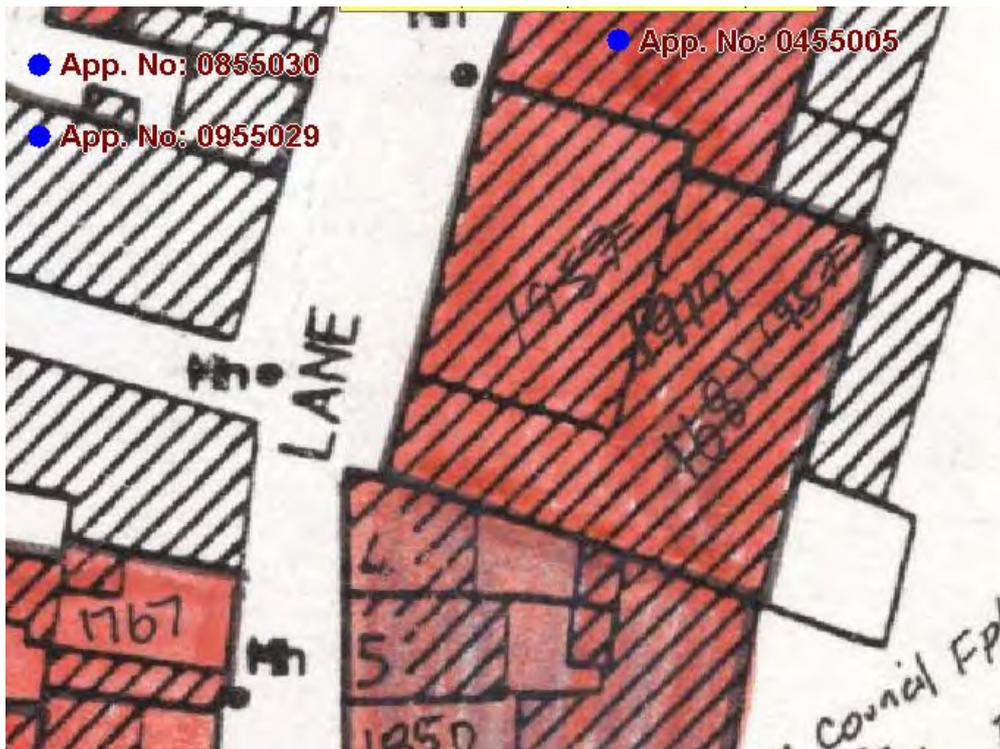


Fig.3: Planning History Map Extract

Internal Consultees:

Area Engineer – no report/comments received.

Conservation Officer – verbal comments. No concerns.

Question subject of the Section 5:

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

Whether the proposed change of use of ground floor units 2 and 3 from vacant commercial/office use to residential use, as 2 no. 1 bedroom apartments, including proposed alterations to the front elevation/shopfront involving the replacing of 2 no. existing doors with windows and putting in place a new door to replace a section of existing window, proposed removal of flat roofs to the rear of the existing units to create open patio areas is 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.

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.

- *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. Whether the proposed change of use of ground floor units 2 and 3 from vacant commercial/office use to residential use, as 2 no. 1 bedroom apartments, including proposed alterations to the front elevation/shopfront involving the replacing of 2 no. existing doors with windows and putting in place a new door to replace a section of existing window, proposed removal of flat roofs to the rear of the existing units to create open patio areas is exempted development?

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.

The existing structure concerned was built in the late 1990s and completed prior to the making of the regulations amendment.

The permitted use of the building included 3 no. retail units on the ground floor. It is stated that unit 2 and 3 have been vacant for 2 years. Prior to that it is stated that the previous use of unit 2 was a polish shop and the previous use of unit 3 was a barber shop.

Sub-article 6(d)(ii) states that:

“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”.*

The proposal would appear to be consistent with this requirement.

The site is located within an ACA, and the alterations to the front elevation/fenestration are noted however it is considered that the alteration of the existing ground floor shop fronts are consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

The development would not conflict with any objective of the development plan, for the unit to remain in retail use.

The development does not consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

It is noted that the submitted cover letter acknowledges that the overall areas of apartment unit no. 2 are within 5% of the minimum standards and that the areas of unit no. 3 are in excess of the required amount. Whilst I acknowledge that the guidelines provide for flexibility for decision making during the assessment of planning applications relating to such developments, the regulations (exemptions) under sub-article 6(d)(vi) stipulate that:

“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” (Emphasis added).

Apartment Unit No. 2

	Minimum requirement	Compliance Achieved
Minimum overall apartment floor area	45 sq.m	No. 42 sq.m

Minimum aggregate floor areas for living/dining/kitchen rooms	23 sq.m	No. 22 sq.m
Minimum width of living/dining room	3.3m	Yes
Minimum bedroom floor area	11.4	No. 11m
Minimum bedroom width	2.8m	Yes.
Minimum aggregate bedroom floor area	11.4	No. 11m
Minimum storage space*	3 sq.m	No internal storage space provided. 3 sq.m external space provided.

Apartment Unit No. 3

	Minimum requirement	Compliance Achieved
Minimum overall apartment floor area	45 sq.m	Yes 51 sq.m
Minimum aggregate floor areas for living/dining/kitchen rooms	23 sq.m	Yes 26 sq.m
Minimum width of living/dining room	3.3m	Yes
Minimum bedroom floor area	11.4	Yes 12.5m
Minimum bedroom width	2.8m	Yes.
Minimum aggregate bedroom floor area	11.4	Yes 12.5m
Minimum storage space*	3 sq.m	Yes. 3 sq.m internal storage space provided.

**minimum storage space – internal storage is required as part of the minimum apartment floor areas and provision should be made for general storage and utility. As per the guidelines such areas are intended to accommodate household utility functions such as clothes washing and the storage of bulky personal or household items.*

The proposed development does not comply with sub-article 6(d)(vi). Revisions to the proposal may need to be considered to obtain an exemption.

In terms of other requirements under 10(6):

The proposed habitable rooms have appear to have adequate light.

No works to protected structures are required.

Sub-article 6(d)(xi) states that no development shall relate to matters in respect of which any of the restrictions set out in sub-paragraph (iv), (vii), (viiA), (viiB), (viiC), (vii) or (ix) of Article 9(1)(a) or paragraph (c) or (d) of Article 9(1) would apply, upon review of the proposal against these criteria, the proposed development would not be restricted by any of the stated sub-paragraphs.

Sub-article 6(d)(ix) states that 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. From review of planning permissions on site, the development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

The development does not relate to any structure in an SAAO, SPC or establishment to which Major Accident Regulations apply.

No onsite wastewater treatment system is required in association with the development.

It is also stated that the proposal requires the removal of small flat roofs to the rear of the existing units to create open patio areas.

From the existing floorplans and proposed floorplans it would appear to involve removal of existing flat roofs and internal walls. This element would be exempted development.

Conclusion

Is development and is not exempted development.

Recommendation

WHEREAS a question has arisen as to:

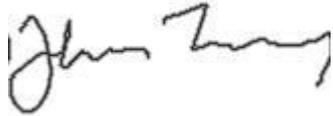
Whether the proposed change of use of ground floor units 2 and 3 from vacant commercial/office use to residential use, as 2 no. 1 bedroom apartments, including proposed alterations to the front elevation/shopfront involving the replacing of 2 no. existing doors with windows and putting in place a new door to replace a section of existing window, proposed removal of flat roofs to the rear of the existing units to create open patio areas at Units 2 and 3, The Belfry, Bridewell Lane, Mallow, Co. Cork is exempted development?

AND WHEREAS Cork County Council, in considering this referral, had regard particularly to –

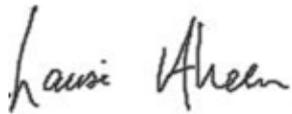
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1), 9(1) and 10(6) of the Planning and Development Regulations, 2001, as amended,
- (c) The planning application history relating to the site,
- (d) The nature, extent and scope of the development outlined in the documentation submitted,

AND WHEREAS Cork County Council has concluded that proposed the change of use of ground floor units 2 and 3 from vacant commercial/office use to residential use, as 2 no. 1 bedroom apartments at Units 2 and 3, The Belfry, Bridewell Lane, Mallow, Co. Cork does not comply with the minimum floor area requirement and minimum storage space requirement of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities as stipulated under article 10(6)(d)(vi) of the Planning and Development Regulations, 2001, (as amended). Accordingly, as proposed the change of use would not come within the scope of article 10(6) the Planning and Development Regulations, 2001, (as amended).

NOW THEREFORE, Cork County Council, in exercise of the powers conferred on it by Section 5 of the 2000 Act, hereby decides that as proposed the change of use of ground floor units 2 and 3 from vacant commercial/office use to residential use, as 2 no. 1 bedroom apartments at Units 2 and 3, The Belfry, Bridewell Lane, Mallow, Co. Cork **IS NOT exempted development.**



J. Tierney
Executive Planner
24/04/2025



L. Ahern
A/Senior Executive Planner
24/04/2025

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.

Appendix 2 - Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued under Section 28 of the Planning and Development Act, 2000 (as amended) July 2023

Appendix 1

Required Minimum Floor Areas and Standards

Minimum overall apartment floor areas

Studio	37 sq m (n/a)*
One bedroom	45 sq m (38 sq m)*
Two bedrooms (3 person)**	63 sq m (n/a)*
Two bedrooms (4 person)	73 sq m (55 sq m)*
Three bedrooms	90 sq m (70 sq m)*

* Figures in brackets refer to 1995 guidelines

**Permissible in limited circumstances

Minimum aggregate floor areas for living/dining/kitchen rooms, and minimum widths for the main living/dining rooms

Apartment type ***	Width of living/dining room	Aggregate floor area of living / dining / kitchen area*
Studio	4m**	30 sq m**
One bedroom	3.3 m	23 sq m
Two bedrooms (3 person)	3.6m	28 sq m
Two bedrooms (4 person)	3.6 m	30 sq m
Three bedrooms	3.8 m	34 sq m

* Note: An enclosed (separate) kitchen should have a minimum floor area of 6.5 sq. metres

**Note: Combined living/dining/bed space, also includes circulation

*** Note: Variation of up to 5% can be applied to room areas and widths subject to overall compliance with required minimum overall apartment floor areas.

Minimum bedroom floor areas/widths***

Type	Minimum width	Minimum floor area
Studio	4m**	30 sq m**
Single bedroom	2.1 m	7.1 sq m
Double bedroom	2.8 m	11.4 sq m
Twin bedroom	2.8 m	13 sq m

* Note: Minimum floor areas exclude built-in storage presses that are contributing to storage space requirements

**Note: Combined living/dining/bed space

Minimum aggregate bedroom floor areas

One bedroom	11.4 sq m
Two bedrooms (3 person)	13 + 7.1 sq m = 20.1 sq m
Two bedrooms (4 person)	11.4 + 13 sq m = 24.4 sq m
Three bedrooms	11.4 + 13 + 7.1 sq m = 31.5 sq m

Minimum storage space requirements

Studio	3 sq m
One bedroom	3 sq m
Two bedrooms (3 person)	5 sq m
Two bedrooms (4 person)	6 sq m
Three or more bedrooms	9 sq m

Minimum floor areas for private amenity space

Studio	4 sq m
One bedroom	5 sq m
Two bedrooms (3 person)	6 sq m
Two bedrooms (4 person)	7 sq m
Three bedrooms	9 sq m

Minimum floor areas for communal amenity space

Studio	4 sq m
One bedrooms	5 sq m
Two bedrooms (3 person)	6 sq m
Two bedrooms (4 person)	7 sq m
Three bedrooms	9 sq m

SECTION 5 EXEMPTION APPLICATION

Planning Department,
Cork County Council,
County Hall,
Co. Cork.

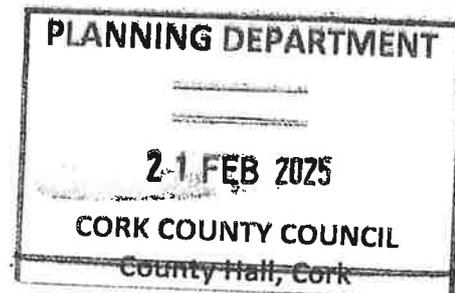
20th February 2025

Re: Exemption application for change of use of existing vacant commercial / office units to apartment use at numbers 2 & 3 The Belfry, Bridewell Lane, Mallow, Co. Cork.

Dear Sir / Madam,

We have been asked by John & Vincent Fitzpatrick to apply for a section 5 declaration of exemption for the change of use of 2 number vacant commercial / office units at Bridewell Lane, Mallow and we enclose 4 copies of the following –

- 6" and 1:1000 scale site location maps.
- 1:250 scale site layout plan.
- As existing floor plan and elevation drawing.
- As proposed floor plan and elevation drawing.
- Application form.
- Application fee of €80.00.



The existing units are on the ground floor of the Belfry apartment building, which was built in the late 1990s. The planning permission was under reference PD 55/1957, and included 3 no. retail units on the ground floor. Units 2 & 3 have been vacant for 2 years. Prior to that, the previous use of unit 2 was a Polish shop and the previous use of number 3 was a barber shop.

It is now proposed to change the use of each unit to a one bedroom apartment, as per the attached drawings. We have discussed the layout with the Fire Officer in Mallow Fire Station and they are satisfied that the layout is acceptable. A fire safety certificate will be applied for in due course.

As well as the internal works, it is proposed to carry out relatively minor works to the front elevation / shopfront, involving replacing the doors to each unit with windows and putting in place one central door, which will access a corridor to serve both apartments. All of this work will be carried out in keeping with the style of the existing shopfront and elevation details.

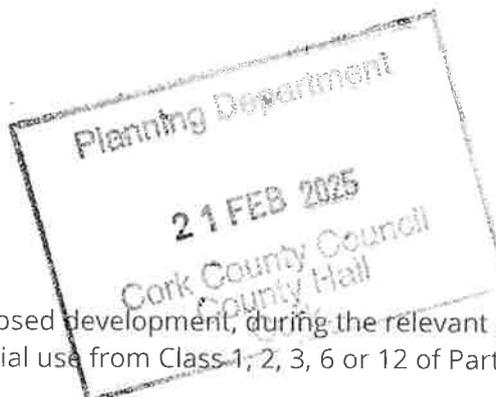
The areas and dimensions of each apartment are set out on the attached drawings. The overall and individual room areas of apartment number 2 are within 5% of the minimum standards as set out in the 2023 regulations and the areas of apartment number 3 are in excess of the required amount. A variation

of 5% is allowed for in the regulations. Each apartment will have private open space, which exceeds the minimum standards required.

We believe that the proposed change of use and elevation changes are exempt under the Planning And Development Act (exempt Development) 2018 / 2022. We have set out at the end of this letter what we believe are the most relevant sections of the act, namely – The planning and most recent use falls within the relevant classes, the units have been vacant for 2 years, the floor area requirements are being achieved, the relatively minor changes proposed to the elevations are in line with the guidelines.

Based on the above, we look forward to confirmation that the proposal constitutes exempt development.


Jerry O'Connor Bsc. Arch. Tech. RIAI



(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,

(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.

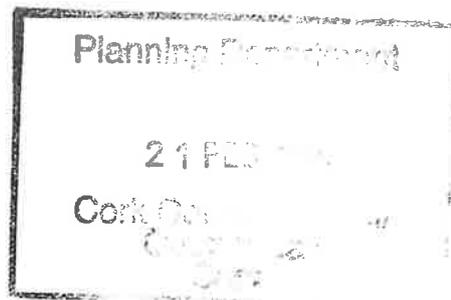
(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

(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 under section 28 of the Act or any subsequent updated or replacement guidelines.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.





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"/>

FOR OFFICE USE ONLY

Receipt No.	P12-00002487
Cash/Cheque/ Credit Card	Cheque
Date	21/2/2025
Declaration Ref. No.	D122025

Planning Department

21 FEB 2025

Cork County Council
County Hall
Cork.

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)

JOHN + VINCENT FITZPATRICK.

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

UNITS 2 AND 3, THE BELFRY,
BRIDWELL LANE,
MALLOW, CO. CORK PS1 NNK3 + PS1 N7YH

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 FOLLOWING EXEMPT FROM PLANNING -
THE CHANGE OF USE OF GROUND FLOOR UNITS 2 AND 3 FROM
VACANT COMMERCIAL/OFFICE USE TO RESIDENTIAL USE, AS 2 NO.
ONE BEDROOM APARTMENTS, INCLUDING PROPOSED ALTERATIONS TO THE
FRONT ELEVATION/SHOP FRONT, INCLUDING THE REPLACING OF 2 NO. EXISTING
DOORS WITH WINDOWS AND PUTTING IN PLACE A NEW DOOR TO REPLACE
A SECTION OF EXISTING WINDOW. PROPOSAL INCLUDES DEMOLISHING
THE SMALL FLAT ROOFS TO THE REAR OF THE EXISTING UNITS TO
CREATE OPEN PATIO AREAS.

Planning Department
21 FEB 2025
Cork County Council
County Hall
Cork

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):	EXISTING - UNIT 2 = 61 SQM UNIT 3 = 63 SQM PROPOSED - UNIT 2 = 42 SQM UNIT 3 = 51 SQM
(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:
(c) If a change of use of land and/or building(s) is proposed, please state the following:	
Existing/previous use ORIGINAL PLANNING 55/1957 - 3 NO. RETAIL UNITS ON GROUND FLOOR UNITS 2 & 3 VACANT FOR IN EXCESS OF 2 YEARS	Proposed use 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 type="checkbox"/>	B. Other <input checked="" type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	AGREED TO PURCHASE UNITS	
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):	UNIT 2 - OLIVER CASEY UNIT 3 - ST. VINCENT DE PAUL.	

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority: Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please state relevant reference No. _____
Is this site located within an Architectural Conservation Area (ACA), as designated in the County Development Plan? Yes <input type="checkbox"/> No <input 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

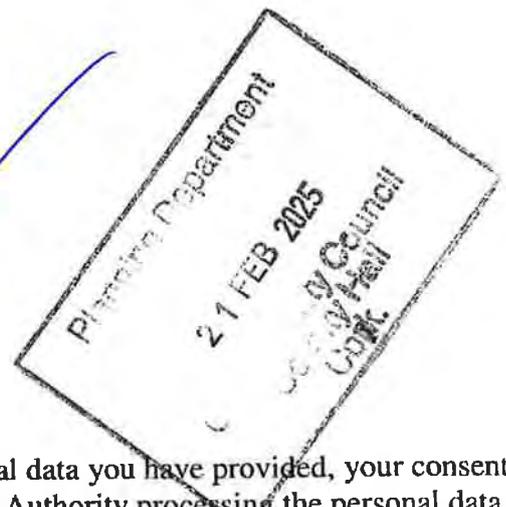
Signed (By Applicant Only)	<i>John Fitzpatrick</i> <i>Vincent Fitzpatrick</i>
Date	20/2/2025

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	

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	19/2/2025

Planning Department

21 FEB 2025

Cork County Council
County Hall
Cork

Murphy Browne

MB

• ESTATE AGENTS • VALUERS • AUCTIONEERS •
PSRA 002635

72 Main Street, Mallow.
P51WV30.
Tel: 022 50222
Earl Street, Kanturk.

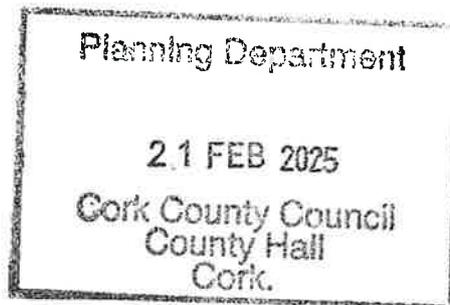
pat.murphy@murphybrowne.com
V.A.T. No. IE 9658669N

20/02/2025

To Whom it concerns,

We hereby confirm that our office has agreed the sale of Unit 2 owned by Oliver Casey and Unit 3 owned by St Vincent De Paul to Vincent Fitzpatrick and John Fitzpatrick. We understand that both units have been vacant in excess of two years.

Both vendors are aware that a change of use application is being made by the prospective purchasers.



Thanking you,

Mary Murphy

Mary Murphy
Murphy Browne Auctioneers ULC
PSRA 002635

Murphy Browne
MB
Main Street, Mallow, Co. Cork
Tel: 022 50222 / 50225
Estate Agents • Valuers • Auctioneers • Finance Arranged
PSRA: 002635

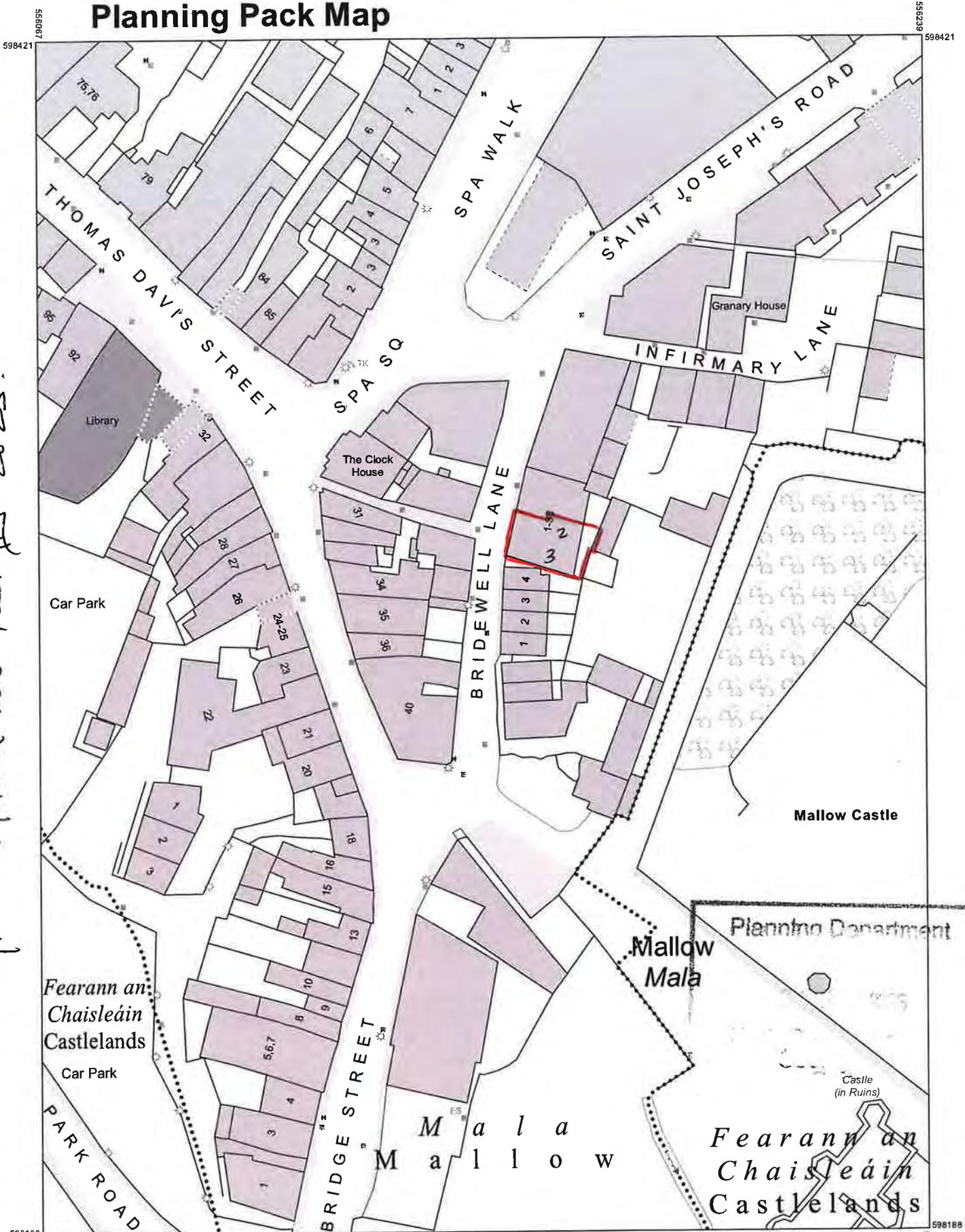
These particulars are given under the strict understanding that they will not form part of any contract. Whilst every care has been taken in preparing these particulars no responsibility is taken for any inaccuracies or errors. All enquiries and negotiations through Murphy Browne Auctioneers only.

EXPERIENCE • CONFIDENTIALITY • SERVICE

PSRA:002635

Planning Pack Map

Exemption Application FEBRUARY 2025.



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 Phoenix Park,
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OUTPUT SCALE: 1:1,000

CENTRE COORDINATES:
 ITM 556153,598305
PUBLISHED:
 19/02/2025
MAP SERIES:
 1:1,000
 1:1,000

ORDER NO.:
 50449857_1
MAP SHEETS:
 5953-11
 5953-16

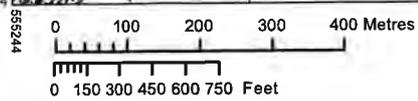
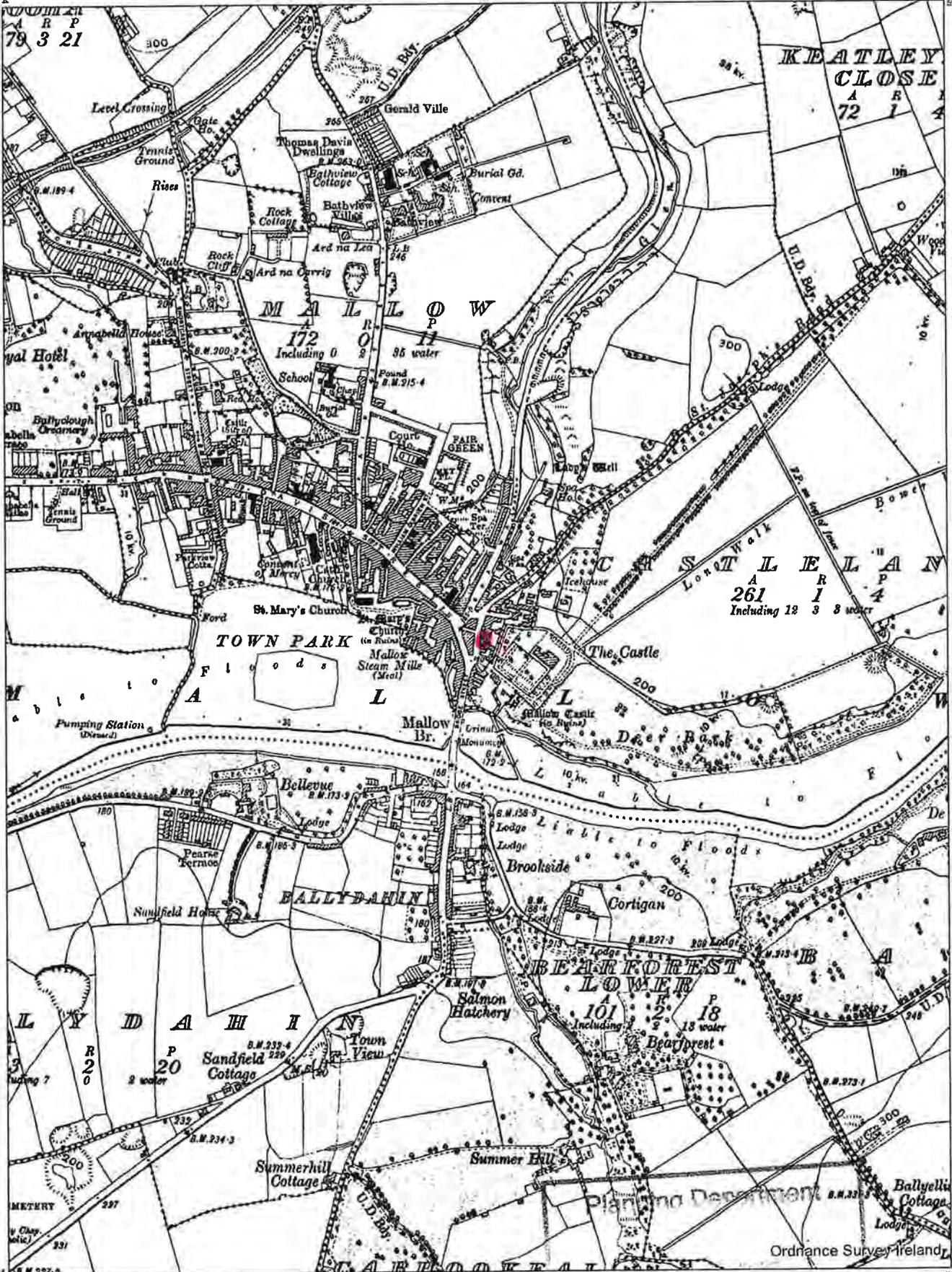
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LEGEND: To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



Tailte Éireann

Site Location Map

EXEMPTION APPLICATION FEBRUARY 2025.



OUTPUT SCALE: 1:10,560



CENTRE COORDINATES:
ITM 556153,598305

PUBLISHED: 19/02/2025

MAP SERIES: 6 Inch Raster

ORDER NO.: 50449857_1

MAP SHEETS: CK033

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

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Tailte Éireann

SITE LAYOUT PLAN

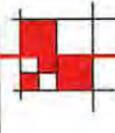
SITE AREA = 0.015 HECTARES



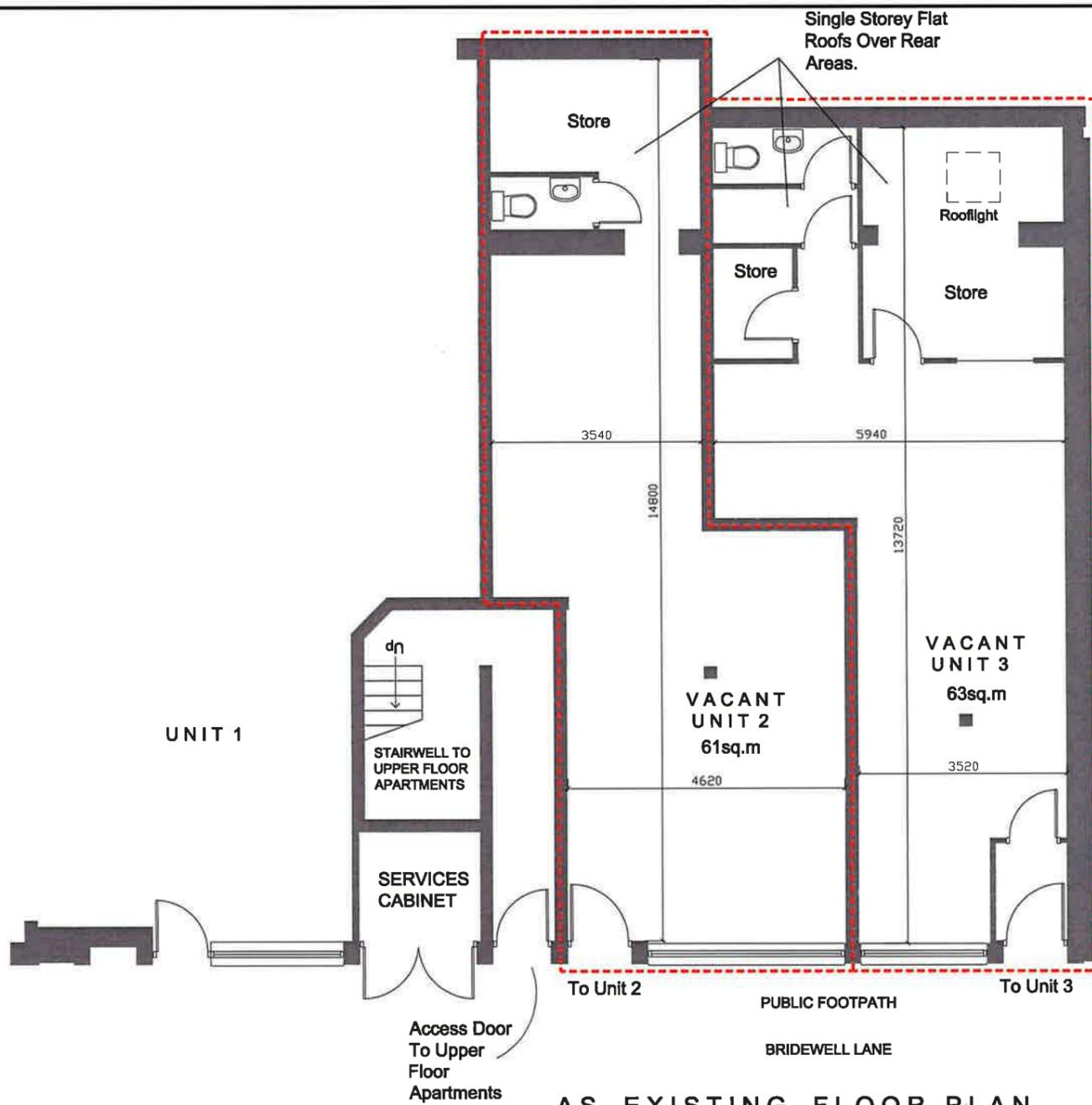
PLANNING EXEMPTION
APPLICATION
20 FEBRUARY 2025

Planning Exemption
Application
20 February 2025

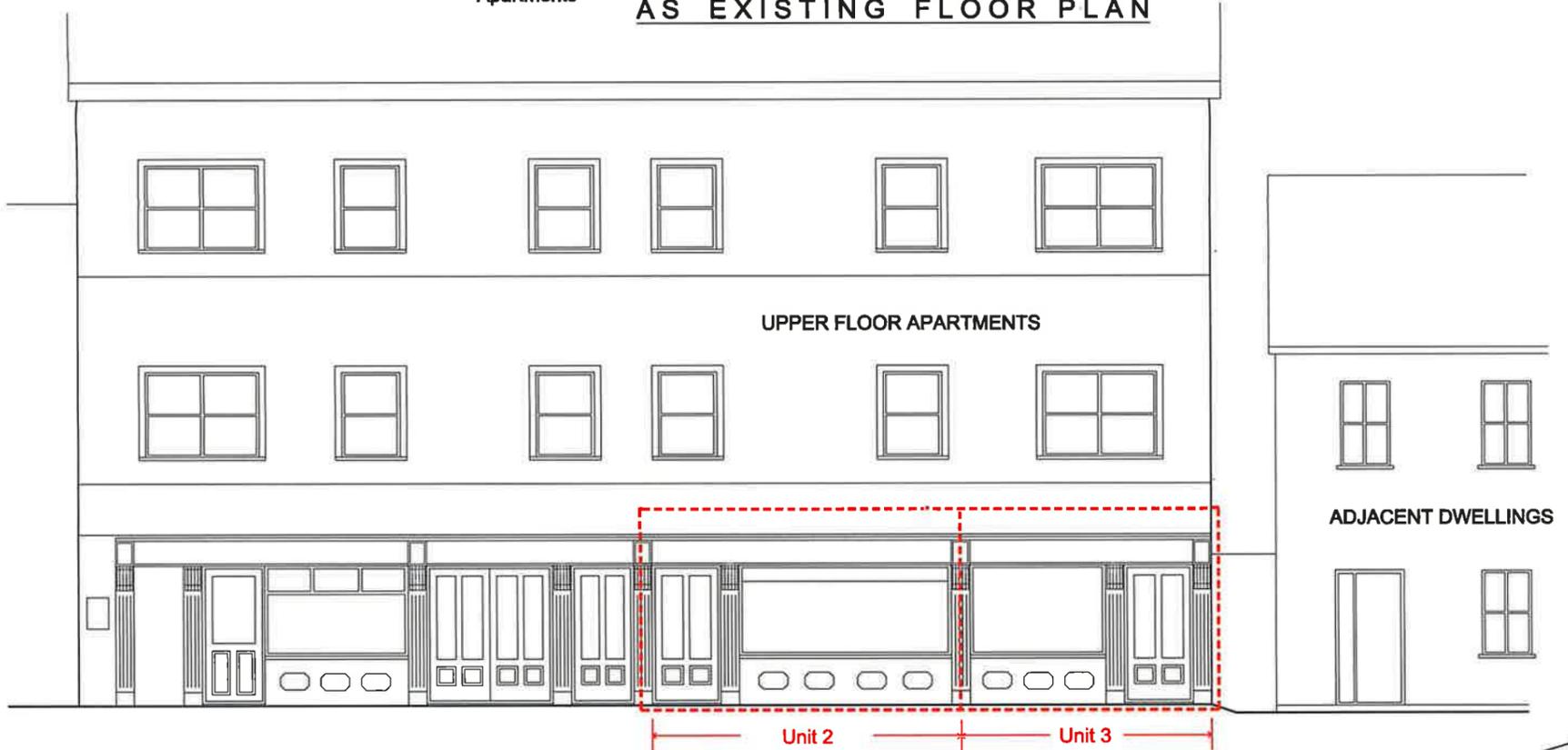
Client John & Vincent Fitzpatrick			
Project Proposed Change Of Use Of Numbers 2 & 3 The Belfry, Bridewell Lane, Mallow, Co. Cork.			
Drawing Title Planning Exemption Drawing			
Scale @ A3 1:250	Date February 2025	Drawn JO'C	Drawing No 2024-46-



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Old Avenue, Riverstown, Glanmire, Cork.
43 Bank Place Mallow Co. Cork.
Tel: 0872693666
info@ocadp.ie



AS EXISTING FLOOR PLAN



AS EXISTING STREET ELEVATION

PLANNING EXEMPTION APPLICATION
20 FEBRUARY 2025

AS EXISTING DRAWING



Planning Department
 21 February 2025
 Connors Architects

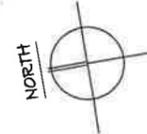
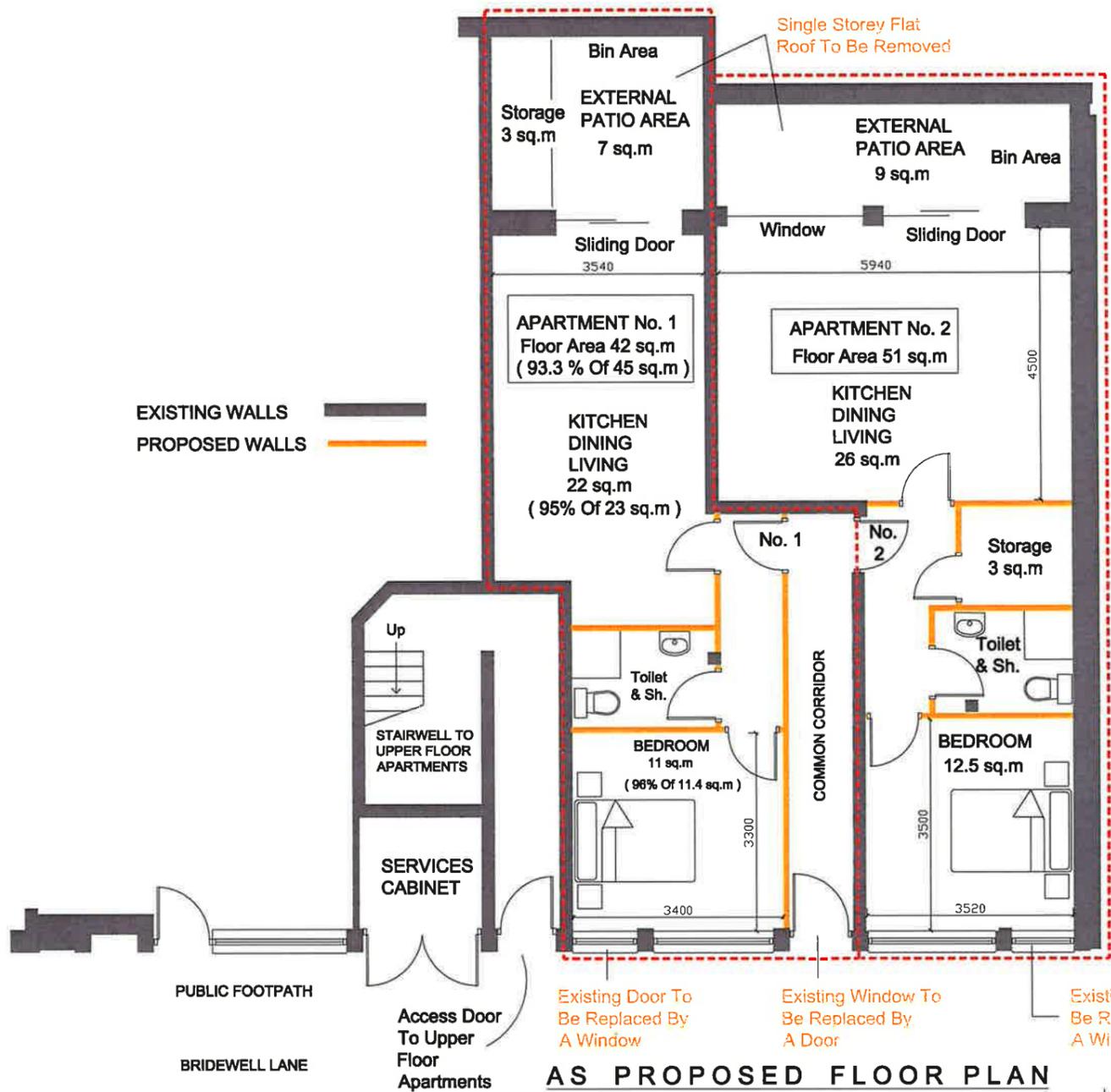
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Project Proposed Change Of Use Of Numbers 2 & 3 The Belfry, Bridewell Lane, Mallow, Co. Cork.			
Drawing Title Planning Exemption Drawing			
Scale @ A3 1:100	Date February 2025	Drawn JO'C	Drawing No. 2024-46-

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PLANNING EXEMPTION APPLICATION
 20 FEBRUARY 2025

21 FEB 2025
 Cork County Council
 Cork County Hall
 Cork.

Planning Department

AS PROPOSED DRAWING

Client John & Vincent Fitzpatrick			
Project Proposed Change Of Use Of Numbers 2 & 3 The Belfry, Bridewell Lane, Mallow, Co. Cork.			
Drawing Title Planning Exemption Drawing			
Scale @ A3 1:100	Date February 2025	Drawn JO'C	Drawing No. 2024-46-
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