

John Murphy

Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

13/01/2025

RE: Section 5 Declaration R887/24 1 Dalton's Avenue, Cork City

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 16th October, 2024, I wish to advise as follows:

The Planning Authority, in view of the above and having regard to —

- The planning history of the site,
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 and Class 20F as set out in Schedule 2, Part 1, of the *Planning and Development Regulations 2001* (as amended)

It is considered that the *the specific question for which a declaration is sought IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT* at 1 Dalton's Avenue, Cork City

Under Section 5(3)(a) of the Planning and Development Act, 2000, you may, on payment of the appropriate fee, refer this declaration for review by An Bord Pleanála within 4 weeks of the date it is issued, 13th January, 2025.

Is mise le meas,

David Foley
Development Management Section



We are Cork.

**Planning & Integrated Development
Cork City Council**

PLANNER'S REPORT Ref. R 887/24		Cork City Council Culture, Community and Placemaking
Application type	Section 5 Declaration	
Description	<p><i>The application seeks a Section 5 Declaration to confirm that the temporary use of the building as overnight accommodation for displaced persons or persons seeking international protection, is exempted development.</i></p> <p><i>Section of Exempted Development Regulations under which exemption is claimed; Class 20F of Schedule 2 Part 1 of the Planning and Development Regulations 2001 to 2023.</i></p>	
Location	1 Daltons Avenue, Cork City.	
Applicant	John Murphy	
Date App Form	16/10/2024	
Recommendation	Is Development, Is Exempted Development	

This report should be read in conjunction with the previous report on the file dated 08/11/2024.

1. FURTHER INFORMATION REQUESTED

1. The question submitted for assessment refers to International Protection Applicants. Please clarify if the proposed occupation of the building is for Displaced persons from Ukraine or for Accommodation for International Protection Applicants.
 - (i) Please submit, in the form of written confirmation, of approval, or approval in principle, for the use of the property for accommodation for persons seeking international protection, from either the relevant Government Department, or the relevant section of Cork City Council.
2. The applicant is requested to submit existing and proposed floor plans and elevational drawings.
3. It could not be determined from the planning history of the site when the use of the building as a 'Gym' was granted planning permission or if any other planning mechanism was utilized to facilitate the use. The applicant is requested to submit details to address this matter to include all necessary supporting documentation.

2. FURTHER INFORMATION PROVIDED AND ASSESSMENT

A response to the further information request was received on 17/12/2024.

The applicant has not clarified if the proposed occupation of the building is for Displaced Persons from Ukraine or for Accommodation for International Protection Applicants. Notwithstanding this, a letter from the Department of Children, Equality, Disability, Integration and Youth has been provided and confirms that the Department is currently seeking offers of accommodation which have a full grant of planning permission for use as International Protection accommodation or properties which may avail of the Class 14H or 20F exemptions as per the Planning and Development Regulations. The Department has confirmed that it is interested in utilising the property in question for the accommodation of International Protection applicants. The question before the planning authority has specified Class 20F as the mechanism under which the exemption is being sought.

The applicant has submitted the necessary existing and proposed floor plans and elevational drawings. It should be stated that the purpose of this report is not to determine the acceptability or otherwise of the proposal at this location in respect to the proper planning and sustainable development of the area, but rather

whether or not the matter in question constitutes development, and if so, falls within the scope of exempted development.

The applicant is unable to clarify the planning history of the site but has provided anecdotal evidence. Further to this, the gym was well-known locally and on review of the Leevale AC website it would appear the building was in use as a gym from 1983. The ambiguous nature of the planning history of the site does not allow for the use to be confirmed or refuted. Having consideration for this, it is deemed reasonable to accept the purported use as stated in the application documentation.

In view of the above and the previous report on file dated 08/11/2024 and having regard to –

- The planning history of the site,
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 and Class 20F as set out in Schedule 2, Part 1, of the *Planning and Development Regulations 2001* (as amended),

It is considered that the question before the Planning Authority and additional details submitted thereafter, **Is Development and Is Exempted Development.**



Alan Swanwick
Assistant Planner
09/01/2025



Gwen Jordan McGee
Senior Executive Planner

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

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

R-Phost/E-Mail planning@corkcity.ie

Fón/Tel: 021-4924564/4321

Líonra/Web: www.corkcity.ie

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

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

1 Daltons Avenue,
Cork City,
Co Cork.



2. QUESTION/ DECLARATION DETAILS

PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:

Sample Question: Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?

Note: only works listed and described under this section will be assessed under the section 5 declaration.

The application seeks a Section 5 Declaration to confirm that the temporary use of the building as overnight accommodation for displaced persons or persons seeking international protection, is exempted development.

Section of Exempted Development Regulations under which exemption is claimed;
Class 20F of Schedule 2 Part 1 of the Planning and Development Regulations 2001 to 2023.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:






(Use additional sheets if required).

3. APPLICATION DETAILS

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

(a) Floor area of existing/proposed structure/s	371 sqM
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas. (sq m) _____
(c) If concerning a change of use of land and / or building(s), please state the following:	
_____/ previous use (please circle) Gym	Proposed/_____/use (please circle) Temporary Emergency Accomodation.

4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		John Murphy
Applicants Address		
Person/Agent acting on behalf of the Applicant (if any):	Name:	
	Address:	
	Telephone:	
	Fax:	
	E-mail address:	
Should all correspondence be sent to the above address? (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

5. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Other
Where legal interest is 'Other', please state your interest in the land/structure in question		
If you are not the legal owner, please state the name and address of the owner if available		

6. I / We confirm that the information contained in the application is true and accurate:

Signature

Date: 16 October 2024

Gary Quigley

ADVISORY NOTES:

The application must be accompanied by the required fee of €80

The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

The application should be sent to the following address:

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

- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations 2001 as amended.

DATA PROTECTION

The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution



QDM Architecture,
19 South Mall,
Cork.

T: (087) 284 3889
E: info@qdmarchitecture.com
W: www.qdmarchitecture.com

Attention: Cork City Council
Company: -
Client Name: John Murphy
Project Name: Daltons Avenue
Description / Reference:
Temporary emergency accommodation.

Issue Date: 16 Oct 2024

Project Number: 23-27

Page 1 of 1.

PLANNING - FIRE CERTS - CONSULTATION - PROJECT MANAGEMENT

**- SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) -
- APPLICATION FOR SECTION 5 DECLARATION -**

Dear Sir / Madam,

We enclose The following documents:

Document / drawing	Reference	Quantity
This cover letter	-	1
Section 5 Exempted Development Application Form	-	1
OS Map showing site location	-	1

NOTE: -

We act on behalf of our client John Murphy, to apply for declaration of exempted development at 1 Daltons Avenue, Cork City.

The application seeks a Section 5 Declaration to confirm that the temporary use of the building as overnight accommodation for displaced persons or persons seeking international protection, is exempted development in accordance with Class 20F of Schedule 2 Part 1 of the Planning and Development Regulations 2001 to 2023.

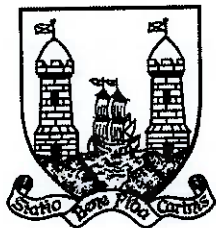
The temporary use of the building is on behalf of the Minister for Children, Equality, Disability, Integration and Youth to assist in meeting Ireland's legal obligation to provide accommodation to displaced persons or international protection applicants.

To assist with the Planning Authority's consideration of the application, we enclose;

We trust the above is satisfactory, however should any further information be required, please do not hesitate to contact this office.

Regards,

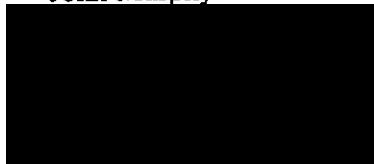
Gary Quigley



Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

John Murphy



11/11/2024

RE: Section 5 Declaration R887/24 1 Dalton's Avenue, Cork City

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, I wish to advise under the provisions of section 5(2)(b) of the Planning and Development Act 2000, as amended, that the following further information is required in order to properly assess this application:

1. The question submitted for assessment refers to International Protection Applicants. Please clarify if the proposed occupation of the building is for Displaced persons from Ukraine or for Accommodation for International Protection Applicants. Page 6 of 7
(i) Please submit, in the form of written confirmation, of approval, or approval in principle, for the use of the property for accommodation for persons seeking international protection, from either the relevant Government Department, or the relevant section of Cork City Council.
2. The applicant is requested to submit existing and proposed floor plans and elevational drawings.
3. It could not be determined from the planning history of the site when the use of the building as a 'Gym' was granted planning permission or if any other planning mechanism was utilized to facilitate the use. The applicant is requested to submit details to address this matter to include all necessary supporting documentation.



We are Cork.

Is mise le meas,

David Foley

David Foley

Development Management Section

Community, Culture and Placemaking Directorate

Cork City Council

An Roinn Leanai, Comhionannais,
Míchumais, Lánpháirtíochta agus Óige
Department of Children, Equality,
Disability, Integration and Youth



Mr Richard Pratt,
Knockpool Ltd,
Askill Bunnacurry,
Achill Island,
Co. Mayo,
F28 V8X8

16th December 2024

**RE: Application for Planning Exemption - Provision of Accommodation for
International Protection Applicants at 1 Daltons Avenue, Cornmarket Street, Cork,
T12 FA31**

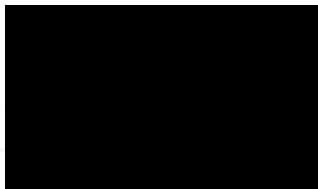
To whom it may concern,

The Department is currently seeking offers of accommodation for properties which have a full grant of planning permission for use as International Protection accommodation or properties which may avail of the Class 14H or 20F exemptions as per the Planning and Development Regulations. The above property has been offered to the Department as temporary emergency accommodation for International Protection applicants subject to grant of a planning exemption. We would therefore request that this correspondence be taken as evidence of engagement with the Department regarding the proposed change of use of the property named above.

I can confirm that the Department is interested utilising the above property for the accommodation of International Protection applicants subject to all planning, change of use, building control, Certificate of Compliance on Completion (CCC), fire and insurance certifications being in place and subject to contract/contract denied.

If you have any queries regarding the above, please contact me at jpps@equality.gov.ie.

Yours sincerely,



Seán Woods
Higher Executive Officer
International Protection Procurement Services

An Roinn Leanai Comhionannais, Míchumais Lánpháirtíochta agus Óige
Department of Children Equality, Disability, Integration and Youth Bloc 1, Plaza Miesach, 50-58 Sráid Bhagóid
Íochtarach, Baile Átha Cliath 2. D02 XW14
Block 1, Miesian Plaza, 50-58 Baggot Street Lower, Dublin 2. D02 XW14
T +353 1 647 3000 | contact@equality.gov.ie
www.equality.gov.ie



QDM Architecture,
19 South Mall,
Cork.

T: (087) 284 3889
E: info@qdmarchitecture.com
W: www.qdmarchitecture.com

Attention: The Secretary
Company: Cork City Council
Client Name: Knockpool Ltd
Project Name: Daltons Avenue
Description / Reference:
Emergency Accommodation

Issue Date: 16 Dec 2024

Project Number: 23-27

Page 1 of 2.

PLANNING - FIRE CERTS - CONSULTATION - PROJECT MANAGEMENT

DALTONS AVENUE, CHANGE OF USE AND MATERIAL ALTERATIONS FOR USE AS TEMPORARY ACCOMMODATION FOR PERSONS SEEKING INTERNATIONAL PROTECTION (UNDER S. 1. 605 OF 2022). THE INTERNAL FIT OUT WILL COMPRISE BEDROOMS, COMMON CIRCULATION AND SOCIAL AREAS, RECREATIONAL AREAS, DOMESTIC SCALE KITCHENS, CANTEEN, LAUNDRY ROOM, MEETING ROOM AND ANCILLARY WC AND STORAGE ACCOMMODATION

Formal Submission - Response to RFI Section 5 Declaration R887/24

Dear Secretary,

We thank you for your letter dated the 11th November 2024, we now wish to respond to the queries raised.

Please post all correspondence to QDM Architecture, 19 South Mall, Cork City.

We enclose copies of the following drawings and documentation;

QDM Architecture:

- This letter.
- As built drawings showing existing plans, sections & elevations

Dept of Children, Equality, Disability, Integration & Youth:

- Formal Letter of Offer

We would like to respond numerically to the queries;

Query 1

The question submitted for assessment refers to International Protection Applicants. Please clarify if the proposed occupation of the building is for Displaced persons from Ukraine or for Accommodation for International Protection Applicants. Page 6 of 7 (i) Please submit, in the form of written confirmation, of approval, or approval in principle, for the use of the property for accommodation for persons seeking international protection, from either the relevant Government Department, or the relevant section of Cork City Council....

Please find enclosed Letter of Offer from the Dept of Children, Equality, Disability, Integration & Youth, demonstrating the intended use of the building.

Query 2

The applicant is requested to submit existing and proposed floor plans and elevational drawings....

Please find enclosed relevant drawings showing the as built nature & the existing premises prior to development.

Query 3

It could not be determined from the planning history of the site when the use of the building as a 'Gym' was granted planning permission or if any other planning mechanism was utilized to facilitate the use. The applicant is requested to submit details to address this matter to include all necessary supporting documentation....

The premises was in use by Leevale Athletic Club as their gym and clubhouse for decades, there was a sign above the door prior to construction stating "founded 1967". We have since returned this historic sign to the club, where it will be displayed once repaired.

PLANNING - FIRE CERTS - CONSULTATION - PROJECT MANAGEMENT

The date of 1960's would be consistent with the construction methodology uncovered during the recent renovation works, it appears that further internal upgrades were made at some stage in the late 90's as evidenced from the age of the mechanical equipment found onsite.

Other than that we have no other information to offer in relation to the planning history of the premises.

The following image gives an indication of the condition of the premises, which had been idle for several years, you may note the sign over the entrance doors to the gym, "Leevale AC, Founded 1967".



FIG 1 - Photo of premises prior to renovation works.

We trust all is in order, however should any further information be necessary, we shall gladly submit the required information upon request.

Regards,

Gary Quigley.

Planning Pack Map



Tailte
Éireann

CENTRE
COORDINATES:
ITM 567263.572088

PUBLISHED:
30/06/2023

ORDER NO.:
50354500_L1

MAP SERIES:
1:1,000
1:1,000

MAP SHEETS:
6392-09
6392-10

COMPILED AND PUBLISHED BY:
National Mapping Division of
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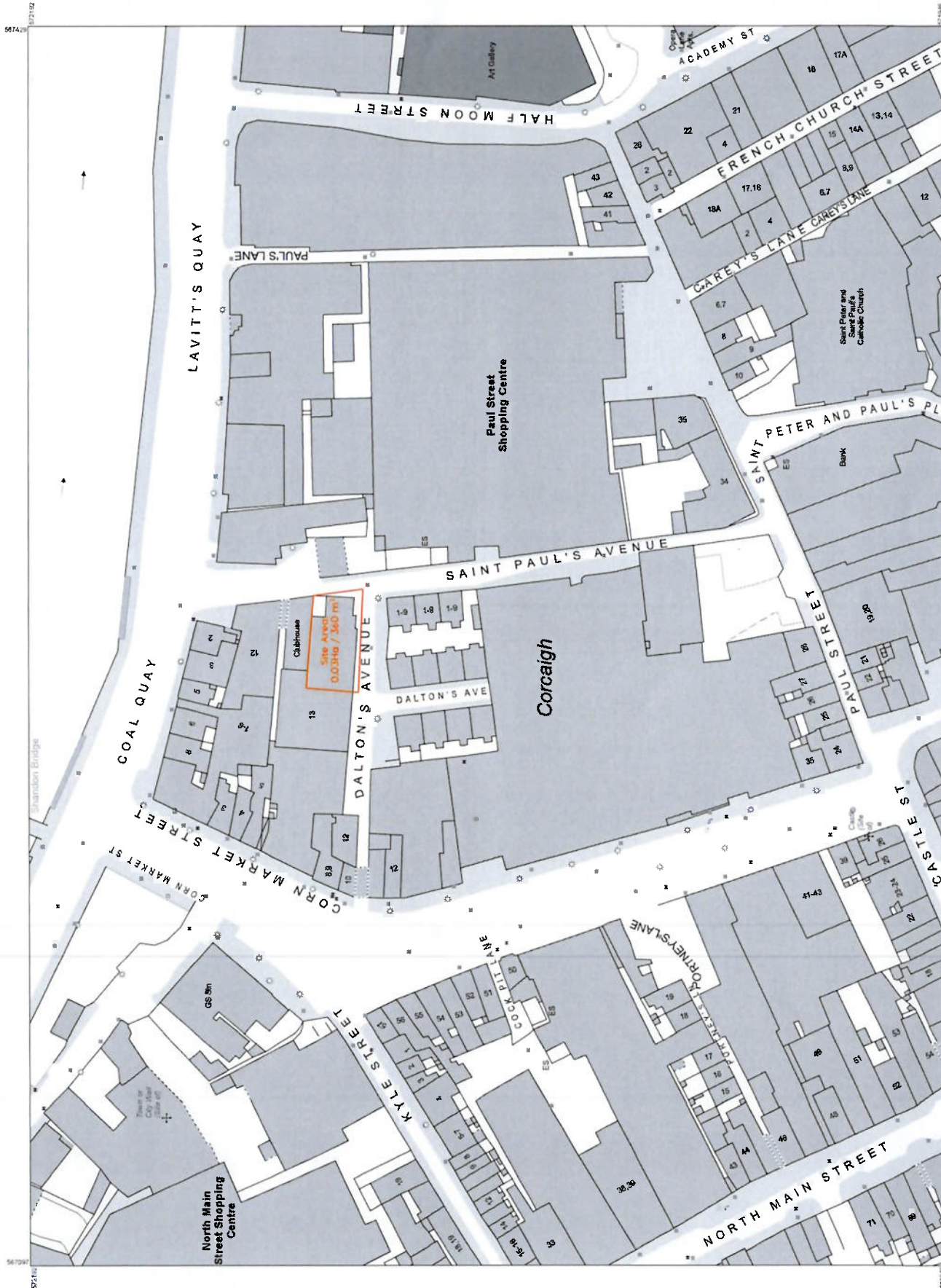
Job Number
23-27

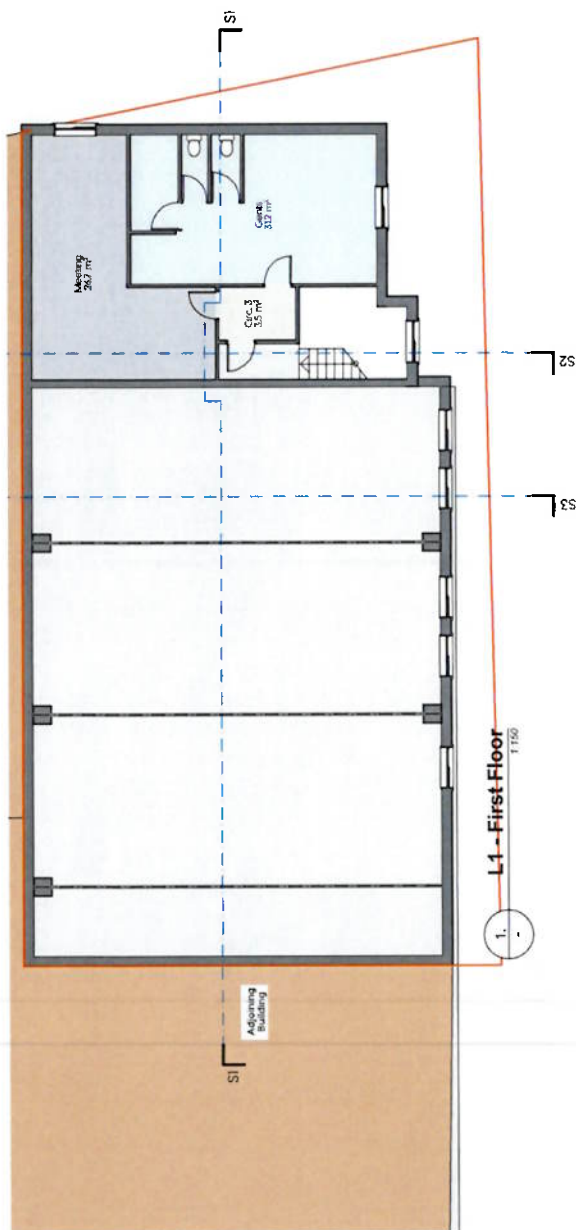
QDM Architecture
19 South Mall
Cork
www.qdmarchitecture.com
info@qdmarchitecture.com

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larger scale legend

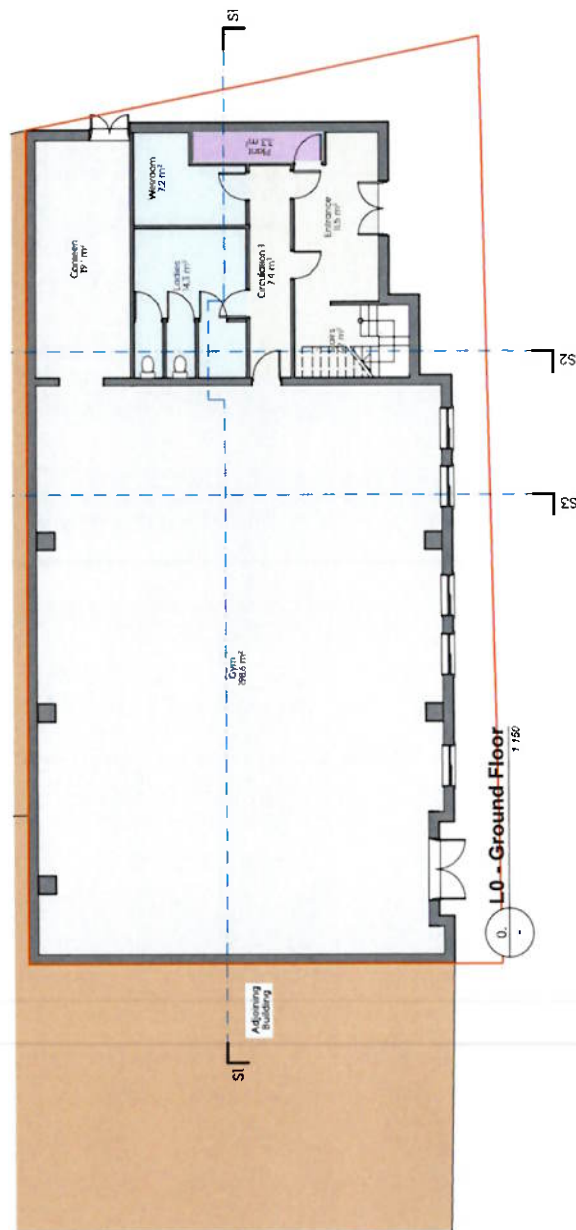
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The map objects are only accurate to the
resolution at which they were captured.
Further information is available at:
www.osi.ie/search/CaptureResolution/

OUTPUT SCALE: 1:1,000

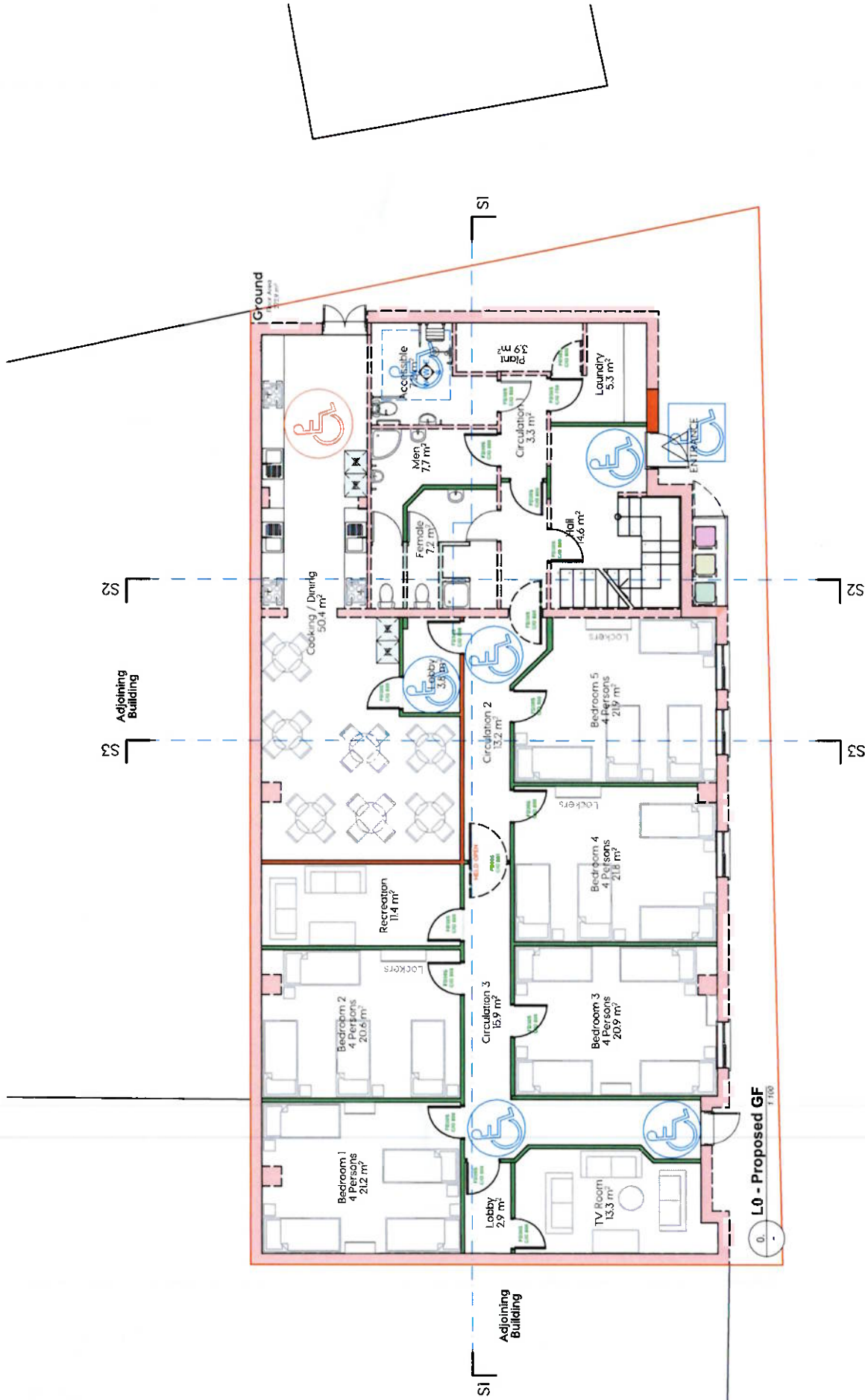




1. L1 - First Floor
1150



0. L0 - Ground Floor 1150



www.qdmarchitecture.com
info@qdmarchitectur.com

QDM Architecture
19 South Mall,
Cork,
Ireland

Daltons Avenue

19 Apr '23

Drawing Name

As Built Ground Floor

Drawing No
AB-1

Drawing No
AB-1

Current Revision
24 Oct '24
r030

ISSUED FOR CONSTRUCTION



KEY

- Existing stone walls retained & made good.
- Existing brickwork chimney retained w/ in associated repairs to decorative plaster surround. New solid timber gate in accordance with Council's report.
- Existing PVC windows & doors replaced with suitable double glazed Alucalor framed double glazed units.
- Chimneys retained with associated repairs to cappings.
- Existing roof structure to be removed with appropriate materials for reuse, external finishes.



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