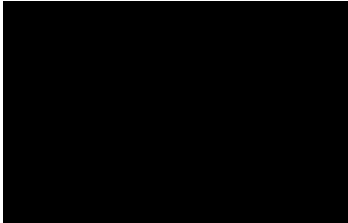




Comhairle Cathrach Chorcaí Cork City Council

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

The Menu Cakery,



28/07/2025

RE: Section 5 Request:
R967/25. Unit 8A, Westpoint Business Park, Link Road,
Ballincollig.

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on the 30th of June 2025, I wish to advise as follows:

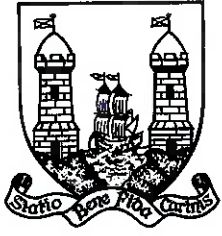
The question placed before the Planning Authority was whether “the change of use from trade warehouse / distribution centre to a bakery with a takeaway facility for customers at Unit 8A, Westpoint Business Park, Link Road, Ballincollig is considered exempted development”.

The Planning Authority in considering this referral, had regard particularly to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5(1), 6(1), 9(1) and 10 of the Planning and Development Regulations 2001, as amended
- (c) The classes of use specified in Part 4 of Schedule 2 to these Regulations
- (d) The planning history of the site, planning permission reference 135611 and 045911, and conditions attached thereto
- (e) the nature and range of uses which include a light industrial use, and services provided to visiting members of the public.



We are Cork.



Comhairle Cathrach Chorcaí Cork City Council

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

The Planning Authority concludes that:

- The proposed uses is a change of use from the permitted trade warehouse and service distribution centre use to a bakery with a takeaway facility for customers, having regard to the provisions of the legislation, and having regard to the material planning issues raised by the new uses, constitute material changes of use and are, therefore, development;
- The proposed use of unit as a bakery including a takeaway facility does not constitute exempted development by reason of the operation of Article 10(1) of these Regulations (that is does not consist of a change of use within Class 5 use as a warehouse as specified in Part 4 of Schedule 2 to these Regulations);
- The proposed use would involve a light industrial use and retail use and the said development would come within the scope of the restriction on exemption set out at articles 10(1)(b) and (c) of the Planning and Development Regulations 2001 as amended, as the development would contravene condition numbers 1, 3 and 6 of grant of planning permission reference number 135611 and condition numbers 1, 2 and 4 of grant of planning permission reference number 045911;
- There are no other exemptions that can be availed of under the Planning Act or the Planning Regulations which would render the development to be exempted development.

The proposed change of use from trade warehouse and distribution centre to a bakery with a takeaway facility at Unit 8A, Westpoint Business Park, Link Road, Ballincollig **IS DEVELOPMENT and IS NOT EXEMPTED DEVELOPMENT.**

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 Coimisiún Pleanála within 4 weeks of the date it is issued.

Is mise le meas,

Anthony Angelini
Assistant Staff Officer
Planning & Integrated Development
Cork City Council



We are Cork.

Section 5 Declaration – Planner’s Report

File Reference:	R926.25
Description:	Is the change of use from trade warehouse / distribution centre to a bakery with a takeaway facility for customers at Unit 8A, Westpoint Business Park, Link Road, Ballincollig considered exempted development.
Applicant:	The Menu Cakery
Location:	Unit 8A, Westpoint Business Park, Link Road, Ballincollig
Site inspection:	18.07.2025
Decision due date:	28.07.2025

1.0 Purpose of Report

Under Section 5 of the Planning and Development Act, 2000 (as amended), if any question arises as to what, in any particular case, is or is not development and is or is not exempted development within the meaning of the Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

2.0 Site Location

The application site is located at Unit 8A Westpoint Business Park, Link Road, Ballincollig. There are a number of large buildings in Westpoint Business Park.

Unit 8A is part of a building situated towards the southern end of Westpoint Business Park, close to the junction of Killumney Road and Ballincollig Link Road.

Unit 8A is located at the southwestern end of the building, with the front facing southeast. On the front of the unit there is a sign ‘The Kabin’, and it is not operating. To the front of the building there is a glazed door and windows, to the rear there is a large roller shutter door.

There are a number of parking spaces in the vicinity of the building.

3.0 The Question before the Planning Authority

Is the change of use from trade warehouse / distribution centre to a bakery with a takeaway facility for customers at Unit 8A, Westpoint Business Park, Link Road, Ballincollig considered exempted development.

4.0 Planning History

4.1 Subject Site

EF8766 – Enforcement file – Change of use from trade warehouse / distribution centre to a restaurant. Closed in early 2025.

135611 – Enda Quigley

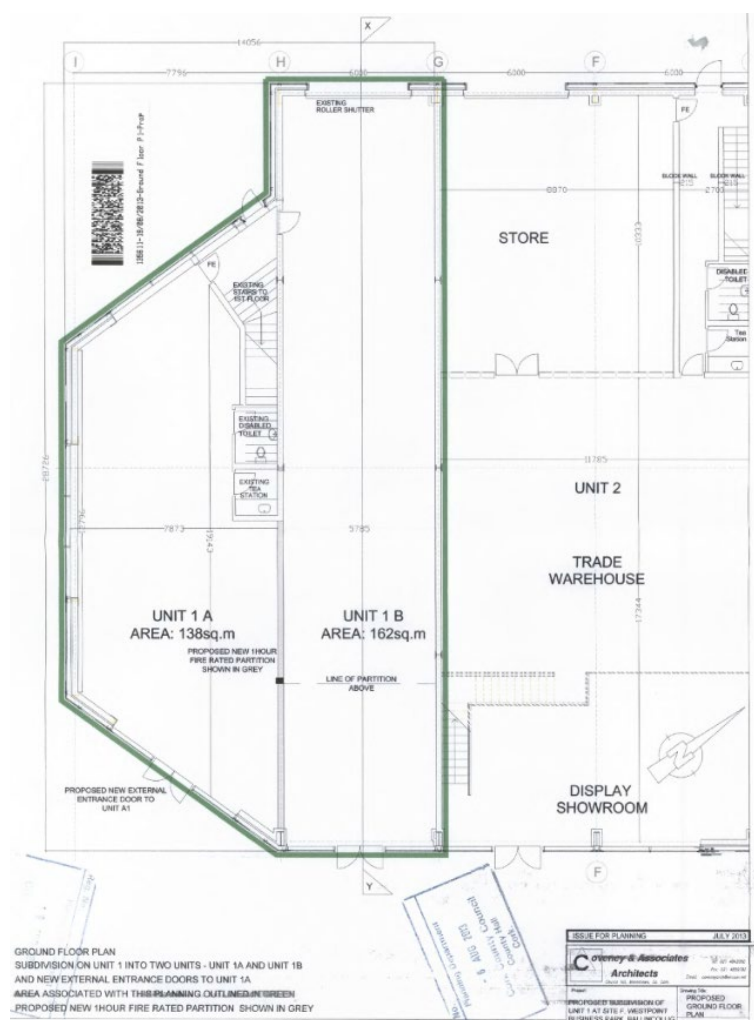
Retention of 79.74sqm of floor space on the first floor of the unit and permission for the subdivision of the existing trade warehouse/service distribution centre unit into 2 no. such units. Proposed works will comprise internal alterations to include new partition walls and elevational changes to include new external entrance doors

Unit 1, Site F, Westpoint Business Park

Grant conditional

Note: In this application, the 2 no units were identified as Unit 1A and Unit 1B. There has been a change to the unit numbers of this building from when the planning application was granted.

Unit 1B is now identified as Unit 8A.

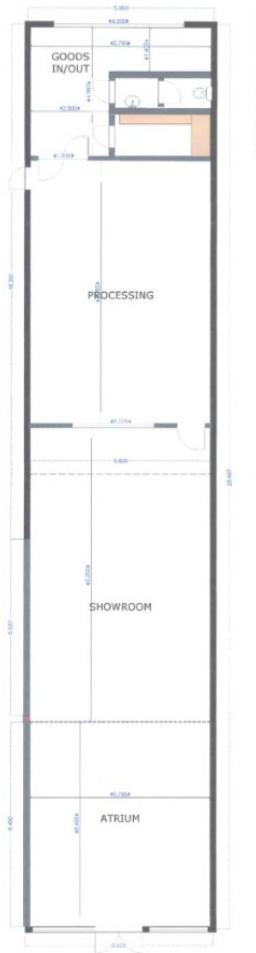


Ground floor plan – subdivision of Unit 1 to Unit 1A and Unit 1B. The subject matter of this Section 5 Referral is Unit 1B.

The following are of particular relevance:

1	The proposed development shall be carried out in accordance with the Planning Authority on 19/08/2013 save where amended by the terms and conditions herein.	In the interests of clarity.
3	The proposed development shall comply with the terms of conditions of Planning Permission Reg. No 04/5911 which governs the overall development of the lands of which the site forms part, save where amended by the terms and conditions herein.	In the interests of clarity.
5	Before development commences, a revised floor plan for Unit 1B shall be submitted for written agreement of the Planning Authority which makes provision for toilets and staff facilities. These shall be indicated on the revised floor plan.	In the interests of orderly development.
6	Unit 1A and Unit 1B shall be used for trade warehouse and service distribution centre use only and shall not be used for a retailing selling wholly or primarily to members of the general public. No further subdivision of these units shall take place without the prior permission of the Planning Authority.	In the interests of orderly development.
7	No additional first floor areas other than those shown on plans shall be constructed on site without the prior permission of the Planning Authority, notwithstanding the Exempted Development provisions of the Planning and Development Regulations 2001 (as amended).	To clarify the nature of the development permitted.
8	The first floor level which is proposed as part of Unit 1A shall not be used as an independent office. The first floor level which is proposed as part of Unit 1A shall not be used as an independent or separate office from the ground floor user. The ground and first floor of Unit 1A shall contain one user only. The unit (ground and first floor) shall consist of trade warehouse/service distribution centre use. The first floor shall be used for administration/accounts ancillary to the ground floor use(r).	In the interests of orderly development.
9	Details of proposed signage on the elevations of Unit 1A and Unit 1B shall be submitted to and agreed in writing with the Planning Authority prior to the first occupation of any part of the development. No internally illuminated signage shall be permitted.	In the interests of visual amenity.
10	Further signs, symbols, emblems, nameplates or other advertising devices shall not be erected or displayed on or adjacent to the premises save with the prior agreement of the Planning Authority.	In the interests of visual amenity.

Compliance drawing for Condition no 5: -



As per the documents available on iDocs this compliance drawing was not deemed to comply with Condition no 5, and the applicants were advised to submit revised plans in compliance by way of letter dated 29th May 2014.

I refer to the above application and in particular to your correspondence received on 1st May 2014.

The floor plan submitted is not acceptable as it not consistent with previous plans submitted (in terms of internal divisions, labels etc). You are advised to send in a revised floor plan of Unit 1B which corresponds exactly to that submitted in the previous compliance submission date stamped 04/03/2014. The Planning Authority wishes to maintain consistency in terms of the agreed floor plans.

At compliance stage, it was confirmed that there was no first floor mezzanine level in Unit 1B.

5	No additional first floor areas other than those shown on plans shall be constructed on site without prior Permission of the Planning Authority, notwithstanding the Exempted Development provisions of the Planning & Development Regulations, 2001 (as amended).	In the interests of orderly development.
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995054 – Wythall Ltd

Business campus (Westpoint) comprising of 2 access roads, water feature, woodland screen planting & signage, with (a) 11 no light industrial units, each with production area, office & toilets together with car parking & signage on landscaped sites, (b) enterprise units in phases 1 & 2 comprising of warehouse/production area, office, toilets, mezzanine area, car parking & signage on a landscaped site, (c) High Tech Manufacture Cluster Units, in phases 1 and 2 comprising of warehousing offices with toilets, signage and carparking on a landscaped site & (d) Corporate Headquarter Units comprising of distribution / storage / parking / sales / maintenance areas & offices with toilets, signage & carparking on landscaped sites, all on a 16.5 acre site

Grant conditional

The following are of particular relevance:

1.	The proposed development shall be carried out in accordance with plans and particulars lodged with the planning authority 16/9/99 and as amended on 25/7/00 and 30/8/00 save where amended by the conditions herein.	In the interests of the proper development of the site.
13.	No retail activity shall be permitted from any of the industrial, manufacturing and/or enterprise units.	To regulate the use of the development in the interests of orderly development.
22.	The proposed structures shall be used solely as that permitted herein and no change of use shall take place without a prior grant of approval of the planning authority, notwithstanding the exempted development provisions of the Local Government (Planning and Development) Regulations 1994, as amended.	To safeguard the amenities of the area and because it is considered that any change of use would warrant the making of an application for and the grant of planning approval.
23.	Subdivision of the industrial units, enterprise units and hightech manufacturing units shall not take place save with the prior permission of the planning authority.	To control intensification of use of the site.

A corporate headquarter unit building was permitted at the location of the existing unit/subject site.

4.2 Other Relevant Nearby Planning History

154639 – Healthwave Limited

Change of use and internal modifications of Unit 5, Block F, Westpoint Business Park. The proposed development consists of the change of use of the unit from a 'trade warehouse and distribution centre' to a medical products warehouse and distribution centre with medical device display area and ancillary retail pharmacy, internal modification including medical store, consulting room and dispensary counter

Unit 5, Block F, Westpoint Business Park

Grant conditional

154086 – Dennehy

Retention of modifications to the reception area of the existing gym including change of use of part of the reception area to café which sells food/drinks for consumption on and off premises Dennehy's Health and Fitness Unit 2, Site G, Westpoint Business Park

Grant conditional

176704 – O’Keeffe’s Bakery

Permission for 1) the removal of an existing canopy and the provision of a rear extension to provide for a freezer/storage area with associated plant at roof level of the existing bakery building; 2) The partial demolition of an existing shed and the relocation and extension of the existing shed (currently located to the rear of the building) to the south of the existing building. The proposed new shed is to be used for the storage of plant/equipment; 3) The provision of a canopy to the northern side of the existing building to facilitate deliveries and the provision of 4 no. silos for the storage of flour; 4) The proposed change of use of the eastern section of the existing building from retail to a bread production facility with ancillary office, canteen and staff facilities at first floor level; and 5) minor elevational changes.

O’Keeffe’s Bakery, West Point Business Park, Link Road, P31 K832

Grant conditional

068054 – Carroll Joinery Ltd

Amendments to permitted retail showroom, warehousing and ancillaries (05/9731) to include a reduction in gross floor area with associated alterations to internal layout and elevations, associated external works, lighting and signage

Unit 1-5 O’Keeffe’s Bakery Building

RL2022: (S/99/5054) O’Keeffe Bakery / Cork County Council

Whether the use as a bakery of some or all of the enterprise units permitted under S/99/5054 is or is not development & is or is not exempted development.

Westpoint, Carrigrohane, Ballincollig, Cork.

Decision: An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the Planning and Development Act, 2000, hereby decides that -
(a) the use of an enterprise unit, constructed in accordance with the terms and conditions of planning register reference number S/99/5054, for the manufacture of bread is not development, and
(b) the amalgamation of adjoining enterprise units is development and is not exempted development.

5.0 Planning Legislation

5.1 Planning and Development Act, 2000 as amended

Section 2(1),

“exempted development” has the meaning specified in section 4.

Section 3(1)

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 4(2)

Section 4(2) provides that the Minister may, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations 2001, as amended.

Section 4(3)

A reference in this Act to exempted development shall be construed as a reference to development which is—
any of the developments specified in subsection (1), or
development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

5.2 Planning and Development Regulations, 2001 as amended

PART 2 EXEMPTED DEVELOPMENT

Article 5(1) In this Part -

“industrial building” means a structure (not being a shop, or a structure in or adjacent to and belonging to a quarry or mine) used for the carrying on of any industrial process;

“light industrial building” means an industrial building in which the processes carried on or the plant or machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

“industrial process” means any process which is carried on in the course of trade or business, other than agriculture, and which is-

(a) for or incidental to the making of any article or part of an article, or
for or incidental to the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals,

and for the purposes of this paragraph, "article" includes-

- (i) a vehicle, aircraft, ship or vessel, or
- (ii) a sound recording, film, broadcast, cable programme, publication and computer program or other original database;

“shop” means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public –

- (a) for the retail sale of goods,
 - (b) as a post office,
 - (c) for the sale of tickets or as a travel agency,
 - (d) for the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and “wine” is defined as any intoxicating liquor which may be sold under a wine retailer's off-licence (within the meaning of the Finance (1909-1910) Act, 1910), 10 Edw. 7. & 1 Geo. 5, c.8,
 - (e) for hairdressing,
 - (f) for the display of goods for sale,
 - (g) for the hiring out of domestic or personal goods or articles,
 - (h) as a launderette or dry cleaners,
 - (i) for the reception of goods to be washed, cleaned or repaired,
- but does not include any use associated with the provision of funeral services or as a funeral home, or as a hotel, a restaurant or a public house, or for the sale of hot food or intoxicating

liquor for consumption off the premises except under paragraph (d), or any use to which class 2 or 3 of Part 4 of Schedule 2 applies;

“wholesale warehouse” means a structure where business, principally of a wholesale nature is transacted, and goods are stored or displayed incidentally to the transaction of that business.

Article 9 Restrictions on exemption.

- (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—
 - (a) if the carrying out of such development would—
 - (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

CLASS 14 / Change of use

Development consisting of a change of use—

(d) from use to which class 2 of Part 4 of this Schedule applies, to use as a shop,

Article 10

- (1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—
 - (a) involve the carrying out of any works other than works which are exempted development,
 - (b) contravene a condition attached to a permission under the Act,
 - (c) be inconsistent with any use specified or included in such a permission, or

PART 4, Article 10 *Exempted development – Classes of Use*

CLASS 1

Use as a shop.

CLASS 4

Use as a light industrial building.

CLASS 5

Use as a wholesale warehouse or as a repository.

6.0 Assessment

6.1 Development

The first issue for consideration is whether or not the matter at hand is ‘development’, which is defined in the Act as comprising two chief components: ‘works’ and / or ‘any material change in the use of any structures or other land’.

The subject matter of this referral is use.

Background / Planning History

Under planning permission reference, 045911, permission was granted for a trade warehouse and service distribution centre comprising of four individual enterprise units (units 1-4 inclusive).

The ground floor plans show a display showroom, trade warehouse, store and ancillary welfare facilities. The first floor plan had a mezzanine area for administration/accounts.

Under planning permission reference 135611, permission was granted for retention of 79.74sqm of floor space on the first floor of the unit and permission for the subdivision of the existing trade warehouse/service distribution centre unit into 2 no. such units, and proposed works will comprise internal alterations to include new partition walls and elevational changes to include new external entrance doors.

Unit 1 was to be subdivided into Unit 1A and Unit 1B. Unit 1B is now called Unit 8A, which is the subject matter of this referral.

The permitted use of the unit is set out in Condition 6 of planning permission reference 135611:
trade warehouse and service distribution centre, and shall not be used for a retailing business selling wholly or primarily to members of the general public.

It subsequently emerged at compliance stage that there was no first floor space in Unit 1B.

Details of Proposed Use

The applicant currently operates their business at Ballyhooleen, Halfway, Co Cork. The applicants are hoping to use the unit as their main bakery to supply their business in Halfway and for any customer orders they receive for cakes and other baked goods for occasions, while also offering takeaway coffee and baked goods for customers in the area.

The unit is 156m², and the floor plans show the ground floor.

The proposed floor plan shows a kitchen and prep area to the rear, with the remainder of the site designated to a customer waiting area, display fridges, till, counters and WC to which the customers can avail of. The kitchen and prep areas have the following – equipment (freezer, cold chill, mixer, oven, etc, prep table and other ancillary spaces such as office and WC) and takes up approx. 60% of the floor area. It is unclear if the ‘customer waiting area’ on the left hand side of the unit (from the door) is a bench or a bar/counter for customer use.

Assessment of Proposed Use

The proposed use contains a mix of uses.

The Referral RL2022 was determined by An Bord Pleanála and related to a permitted enterprise building in Westpoint.

For that referral (RL2022), the inspector considered that a bakery can be classified as a light industrial use provided it adheres to the limitations contained in the definition in the planning legislation.

The enterprise building contained a number of individual units was described in the planning application 995054 as *each enterprise unit comprising of warehouse/production area*. This entire building is now currently occupied by O’Keeffe Bakery.

The bakery in this referral is of a smaller scale than the O’Keeffe Bakery building. Of significance, is that the permitted use for the building where the subject site is located is for trade warehouse and service distribution centre, with no mention of production. It cannot be inferred that a ‘production’ use was granted having regard to the development description,

drawings and conditions attached to the grant of planning permission reference number 045911.

There has been no significant change in the relevant definitions in the planning legislation since the determination of RL2022. It is considered that a bakery would continue to come within the scope of a 'light industrial use' once it complies with the limitations contained in the definition.

The retail element comes under a 'shop' use, as it will involve the sale and display to visiting members of the public. A 'shop' as defined under Article 5(1), as amended, of the said Regulations does not include use as a coffee shop.

The change of use of the subject premises, from use as a trade warehouse and service distribution centre raises issues such as traffic, impacts on neighbouring properties that are material in relation to the proper planning and sustainable development of the area.

The change of use is, therefore, development within the meaning of section 3 of the Planning and Development Act, 2000.

CONCLUSION — is development

6.2 Exempted Development

The next issue for consideration is whether the change of use is or is not exempted development.

The permitted use of this building and unit comes within Class 5, *use as a wholesale warehouse or as a repository*. The use of the building was reinforced by conditions.

The proposed use would come under the scope of light industrial use and shop.

The conditions attached to 045911 and 135611 did not provide for any light industrial use and specifically excluded a retail use.

The permitted use and the proposed uses are within different and separate classes in Part 4 of Schedule 2.

There are no legislative provisions under either the Act or the Regulations (or elsewhere) that provide for exemptions which can be availed of in respect of the proposed change of use.

As there is a material difference in the permitted use for the enterprise unit (which comprised of warehouse/production area and currently occupied by O'Keeffe Bakery) and the building where the subject unit is located and permitted under 995054 and 045911, the outcome of Section 5 referral ref RL2022 cannot be used as a precedent in terms of favourably considering the change of use for the subject site.

The floor plans show a double height ceiling at the entry point to the till area. There is no cross section with the referral. It is not clear if there is a first floor, and if this unit has been subdivided, and if the unit 8A would contravene condition no 7 of planning permission reference 135611.

CONCLUSION — is not exempted development

7.0 Environmental Assessment & Restrictions on Exemption

A number of restrictions on exemption are set out in Section 4(4) of the Act and Article 10 of the Regulations.

Having regard to the contents of Article 103 and Schedule 7 of the Planning and Development Regulations 2001, as amended it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly, it is considered that environmental impact assessment is not required.

The applicant has not submitted an appropriate assessment screening report. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of these European sites. Accordingly, it is considered that appropriate assessment is not required.

Further, the change of use would contravene condition no 5 attached to grant of planning permissions reference numbers 135611 no 4 attached to grant of planning permissions reference numbers 045911 as they specifically excluded *a retailing business selling wholly or primarily to members of the general public*.

8.0 Recommendation

It is recommended that the applicant is advised as follows:

The Planning Authority in considering this referral, had regard particularly to:

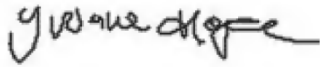
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5(1), 6(1), 9(1) and 10 of the Planning and Development Regulations 2001, as amended
- (c) The classes of use specified in Part 4 of Schedule 2 to these Regulations
- (d) The planning history of the site, planning permission reference 135611 and 045911, and conditions attached thereto
- (e) the nature and range of uses which include a light industrial use, and services provided to visiting members of the public.

The Planning Authority concludes that:

- (a) The proposed uses is a change of use from the permitted trade warehouse and service distribution centre use to a bakery with a takeaway facility for customers, having regard to the provisions of the legislation, and having regard to the material planning issues raised by the new uses, constitute material changes of use and are, therefore, development;
- (b) The proposed use of unit as a bakery including a takeaway facility does not constitute exempted development by reason of the operation of Article 10(1) of these Regulations (that is does not consist of a change of use within Class 5 use as a warehouse as specified in Part 4 of Schedule 2 to these Regulations);
- (c) The proposed use would involve a light industrial use and retail use and the said development would come within the scope of the restriction on exemption set out at articles 10(1)(b) and (c) of the Planning and Development Regulations 2001 as amended, as the development would contravene condition numbers 1, 3 and 6 of grant of planning permission reference number 135611 and condition numbers 1, 2 and 4 of grant of planning permission reference number 045911;

- (d) There are no other exemptions that can be availed of under the Planning Act or the Planning Regulations which would render the development to be exempted development.

The proposed change of use from trade warehouse and distribution centre to a bakery with a takeaway facility at Unit 8A, Westpoint Business Park, Link Road, Ballincollig is development and is not exempted development.



Yvonne Hogan, A/SEP
28 July 2025

COMHAIRLE CATHRACH CHORCAÍ CORK CITY COUNCIL

Community, Culture & Placemaking Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

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

Fón/Tel: 021-4924029

Líonra/Web: www.corkcity.ie

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

1. NAME OF PERSON MAKING THE REQUEST

THE MENU CAKERY

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

UNIT 8A, WESTPOINT BUSINESS PARK, LINK ROAD, BALLINCOLLIG, CORK.

3. 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.

Is a change of use from trade warehouse / distribution centre to a bakery with a takeaway facility for customers at Unit 8A, Westpoint Business Park, Link Road, Ballincollig considered exempted development?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

Our client is hoping to use the current unit as a bakery facility for their current business located in Halfway, while also providing take away coffee, baked goods, and sandwiches to customers in the area.

4. Are you aware of any enforcement proceedings connected to this site?

If so please supply details:

E8766 - Colin Barry, Russell Barry, Tadgh Long Catering Limited 'The Kabin Cafe and Catering'

5. Is this a Protected Structure or within the curtilage of a Protected Structure? ☐

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? ☐

6. Was there previous relevant planning application/s on this site? ☒

If so please supply details:

04/5911 - Permission to construct trade warehouse and service distribution centre comprising of 4 no. individual enterprise units with car park and associated site works

7. 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	150 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 type="checkbox"/> If yes, please provide floor areas. (sq m) N/A
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) Trade warehouse / distribution centre	Proposed/existing use (please circle) Bakery with take way facilities for customers

7. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Other X
Where legal interest is 'Other', please state your interest in the land/structure in question	Occupant / tenant	
If you are not the legal owner, please state the name of the owner if available	Tom Murray	

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

Signature:

Date:

27/6/25



1 Hodders Villas,
Ballincollig
Co. Cork

Tel: 021 4876650 /
021 4877149

Email: info@dlgroup.ie
Web: www.dlgroup.ie

Our Ref: 14525/C

Your Ref:

Date: 27/06/2025

**The Development Management Section,
Community, Culture & Placemaking Directorate,
Cork City Council,
Anglesea Street,
Cork.**

**Re: New Section 5 Declaration Application for Unit 8A, Westpoint Business Park,
Link Road, Ballincollig, Cork.**

Applicant: The Menu Cakery

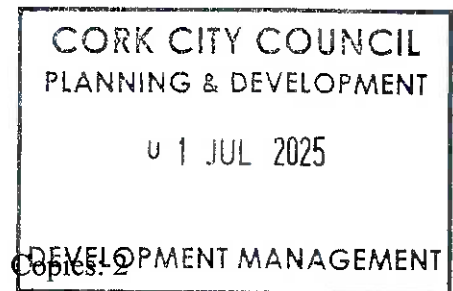
A Chara,

On behalf of our client, we submit this Section 5 Declaration for the above property. Our client currently operates their business in Ballyhooleen, Halfway, Co. Cork. They are hoping to use Unit 8A in Westpoint Business Park as their main bakery to supply their business in Halfway and for any customer orders they receive for cakes and other baked goods for occasions, while also offering takeaway coffee and baked goods for customers in the area.

This Section 5 Application is to ask the Planning Authority whether a change of use from trade warehouse / distribution centre to a bakery with takeaway facilities for customers is considered Exempted Development.

In support of this application, please see enclosed the following:

- Application Form
- Cheque for application fee €80.00
- Drawings
 - Site Location Map Scale: 1:1000
 - Site Layout Scale: 1:250
 - Existing Floor Plans Scale: 1:100
 - Proposed Floor Plans Scale: 1:100
 - Existing Elevations Scale: 1:200
 - Proposed Elevations Scale: 1:200



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Copies: 2

Directors: Tim O' Leary BSc(Eng), C.Eng, F.I.E.I. Chris Donovan BSc(Eng), MSc(Eng), C.Eng, F.I.E.I.
Donlea Consulting Engineers Ltd., trading as D.L. Group is regulated by the Central Bank of Ireland.

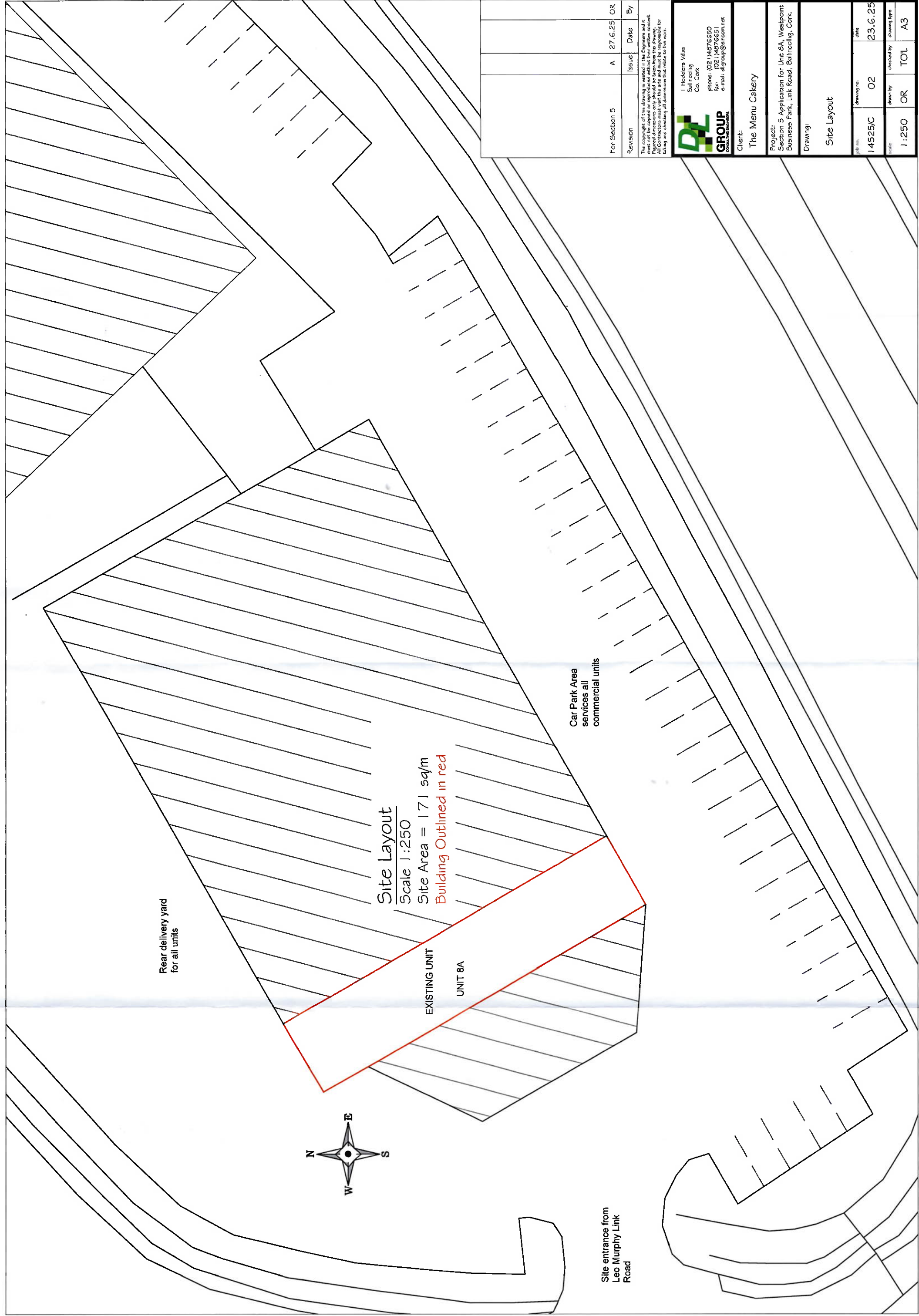
Registered Office: 1, Hodders Villas, Ballincollig, Co. Cork.
Registered No.: 65403

If you have any further questions relating to the above, please don't hesitate to contact our office.

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.

Orla Redmond MPlan



For Section 5

A

27.6.25

OR

By

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DL GROUP
DESIGN & LAND SERVICES

I Hodders Villas
Ballincollig
Co. Cork
Phone: (021) 4876650
Fax: (021) 4876651
E-mail: dgroup@eir.com

Client:
The Menu Cakery

Project:
Section 5 Application for Unit 8A, Westpoint
Business Park, Link Road, Ballincollig, Cork.

Drawing:

Site Layout

drawing no.	02	date	23.6.25
scale	1:250	drawn by	OR
checked by	TOL	drawing type	A3

UNIT SUBJECT TO SECTION 5
APPLICATION OUTLINED IN RED

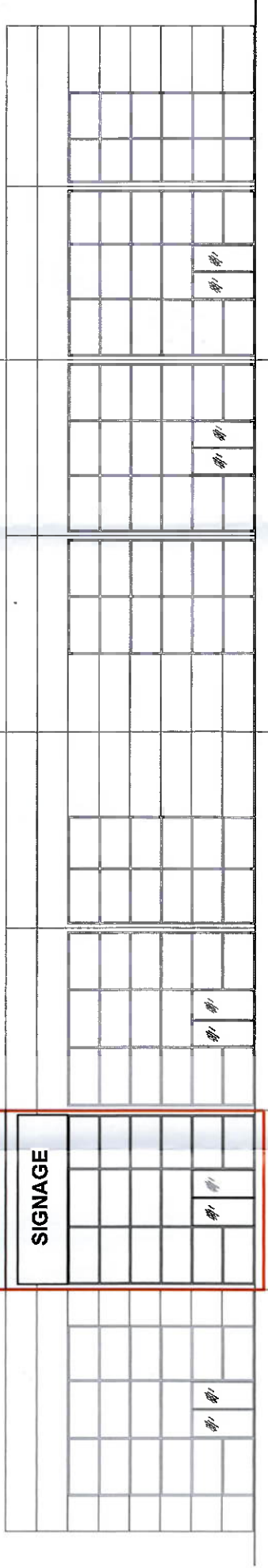
UNIT 8B

UNIT 8A

UNIT 7

UNIT 6

UNIT 5



Proposed Front Elevation

Scale 1:200

UNIT SUBJECT TO SECTION 5
APPLICATION OUTLINED IN RED

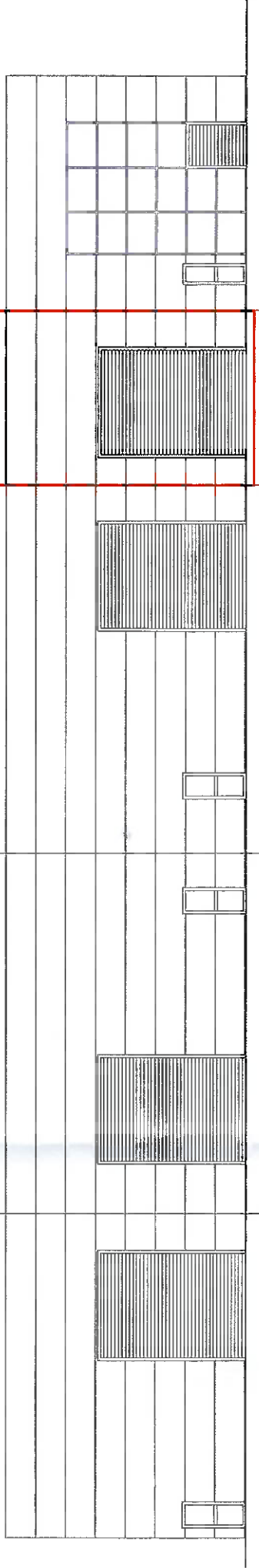
UNIT 7

UNIT 6

UNIT 5

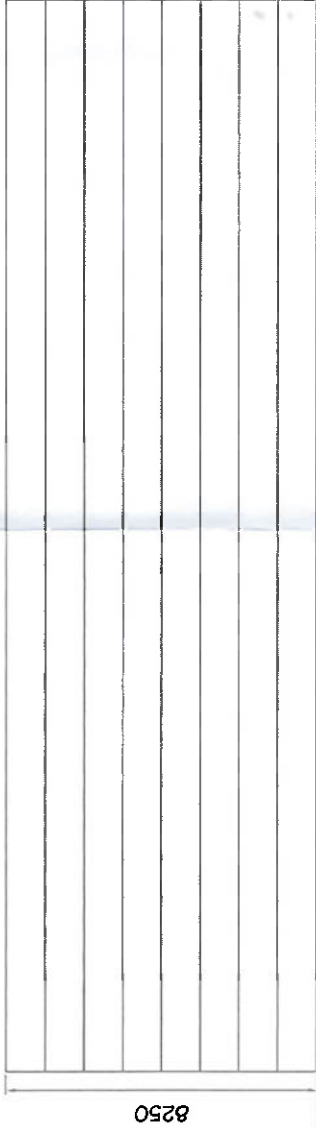
UNIT 8A

UNIT 8B



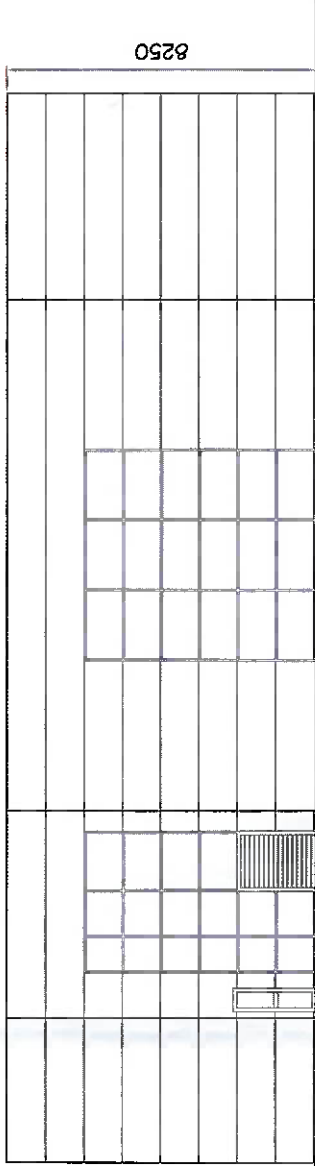
Existing Rear Elevation - no changes

Scale 1:200



Existing Side Elevation - no changes

Scale 1:200




Existing Side Elevation - no changes

Scale 1:200

For Section 5	A	27.6.25	OR	By
Revision	Issue	Date	By	

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I Hoddens Villas
Ballincollig
Co. Cork

phone: (021) 4876650
fax: (021) 4876651
e-mail: dgroup@eircom.net

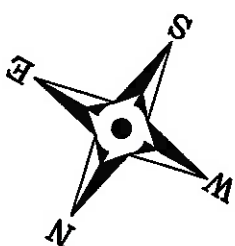
Client:
The Menu Cakery

Project:
Section 5 Application for Unit 8A, Westpoint
Business Park, Link Road, Ballincollig, Cork.

Drawing:

Proposed Elevations

job no.	drawing no.	date
14525/C	06	23.6.25
scale	drawn by	checked by
1:200	OR	TOL
		drawing type
		A3




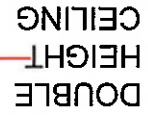
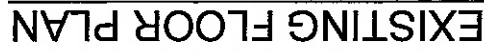
FLOOR AREA = 159 SQM

SCALE 1:100

PROPOSED FLOOR PLAN

DOUBLE
HEIGHT
CEILING

Revision	Issue	Date	By
For Section 5	A	27.6.25	OR
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<p>GROUP  I Hodders Villas Balmuccia Co. Cork phone: (021) 4676650 fax: (021) 4676651 e-mail: dlgroup@eircom.net</p>			
<p>Client: The Menu Cakery</p>			
<p>Project: Section 5 Application for Unit 5A, Westpoint Business Park, Link Road, Balmuccia, Cork.</p>			
<p>Drawing: Proposed Floor Plan</p>			
job no.	drawing no.	date	
14525/C	04	23.6.25	
scale	drawn by	checked by	drawing type
1:100	OR	TOL	A3



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