



Comhairle Cathrach Chorcaí Cork City Council

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

Owen Barrett,
C/O Damien O'Mahony,
Keystone Planning Consultancy Ltd
Rossbrin,
Frankfield View
Old Youghal Road
Cork

16/10/2024

RE: **Section 5 Declaration R854/24 Former Horseshoe Bar,**
290 Old Youghal Road, Cork

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 8th August 2024, I wish to advise as follows:

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

- Sections 2, 3 and 4 of the *Planning and Development Act 2000* (as amended), and
- Article 10(6) of the *Planning and Development Regulations 2001* (as amended through S.I. No. 75/2022),

It is considered that the *specific question for which a declaration is sought* IS **DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT** at **Former Horseshoe Bar, 290 Old Youghal Road, Cork.**



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Cork City Council

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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.

Is mise le meas,

Majella McMorro
Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council



We are Cork.

PLANNER'S REPORT Ref. R854 /24		Cork City Council Culture, Community and Placemaking
Application type	Section 5 Declaration	
Description	<i>Is the conversion of the former public house, known as The Three Horseshoes, 290, Old Youghal Road, Cork to residential use, namely 2 no. apartments, development and, if so, is it development pursuant to S.I. 75 of 2022?</i>	
Location	Former Horseshoe Bar, 290 Old Youghal Road	
Applicant	Owen Barrett	
Date	14/10/2024	
Recommendation	Is development and is exempted development	

This report should be read in conjunction with the previous Planner's Report on file dated 02/09/2024. That report recommended that the following further information be sought:

1. *An existing floor plan and any other plans required to demonstrate that 50% or more of the existing external fabric of the building is retained. In the interest of clarity the external fabric includes the roof.*
2. *The documentation provided indicates that no changes are proposed to the existing elevations. Please confirm that all signage / ornamentation associated with the former use of the will remain. If it is to be removed please provide details.*
3. *Concern has been raised about access to natural light for habitable rooms within Unit 1, specifically the bedrooms. Please submit a Daylight, Sunlight and Overshadowing (DSO) Assessment to demonstrate access to light. If changes are required to the layout as a result of the assessment please submit revised plans.*

The following is an assessment of the response, received on 27/09/2024, on an itemised basis.

Item 1 – Existing floor plan

An existing floor plan has been provided. I am satisfied that the proposal will retain 50 per cent or more of the existing external fabric of the building.

Item 2 – Elevational Changes

No change proposed. Response noted.

Item 3 – Access to Light

Rooflights are now proposed to provide light for habitable rooms within Unit 1. This response is considered satisfactory.

Conclusion

In view of the above and having regard to —

- Sections 2, 3 and 4 of the *Planning and Development Act 2000* (as amended), and
- Article 10(6) of the *Planning and Development Regulations 2001* (as amended through S.I. No. 75/2022),

It is considered that:

the conversion of the former public house, known as The Three Horseshoes, 290, Old Youghal Road, Cork to residential use, namely 2 no. apartments

Is Development and Is Exempted Development.



Martina Foley
A/Senior Executive Planner

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

Owen Barrett

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

Former Three Horseshoes Bar,
290, Old Youghal Road, Cork
T23 TW01

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 the conversion of the former public house, known as The Three Horseshoes, 290, Old Youghal Road, Cork to residential use, namely 2 no. apartments, development and, if so, is it exempted development pursuant to S.I. 75 of 2022?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

Notification of this change of use pursuant to S.I. 75 of 2022 was submitted to the Planning Authority on 9th November 2023. The property has been vacant since lockdown following the outbreak of Covid 19, (March 2020). No changes are being made to the existing elevations. Copy notification enclosed.

DEVELOPMENT MANAGEMENT
CCP

08 AUG 2024

CORK CITY COUNCIL

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

If so please supply details:

No

5. Is this a Protected Structure or within the curtilage of a Protected Structure? ☒ No

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:

75/5232; 16/37154

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)

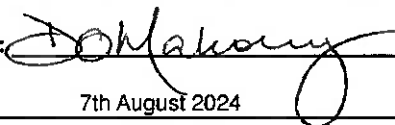
(a) Floor area of existing/proposed structure/s	206.82m2
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes ☐ No ☒ If yes, please provide floor areas. (sq m)
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) Former Public House	Proposed/existing use (please circle) Residential (2 no apartments)

7. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner ☒	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 of the owner if available		

8.1 / We confirm that the information contained in the application is true and accurate:

Signature:



Date:

7th August 2024



COMHAIRLE CATHRACH CHORCAÍ

CORK CITY COUNCIL

Planning & Development Act (Exempted Development) Regulations) 2022 (S.I. 75 of 2022)

NOTIFICATION FORM

Change Of Use Exemption from Commercial to Residential

1. Applicant's Details

Applicant:	Mr. Owen Barrett
Company Details (where relevant):	

2. Details of Proposed Development Site

Site Address: (including townland & Eircode) 290, Old Youghal Road, Cork, T23 TW01			
Total Number of Residential Units (s)		2	
Total Residential Floorspace (m ²)			
Breakdown Details	Size of Unit (m ²)	No. of Bedrooms	Floor? e.g. ground floor, 1 st floor etc
Unit No. 1	85.83m ²	two	Ground Floor
Unit No. 2	58.37m ²	one	Ground Floor
Unit No. 3			
Unit No. 4			
Unit No. 5			
Unit No. 6			
Unit No. 7			
Unit No. 8			
Unit No 9			

3. Details Of Site

Applicant(s) legal interest in site of proposed development:	Owner
Proposed date of commencement of works:	27th November 2023

Estimated date of completion of works:	July 2024
Period of time structure has been vacant:	3 years and six months. The bar closed in March 2020, (onset of Covid), and did not reopen.
Please describe what <u>class</u> of structure the structure has at some point been used for? Class 12: Public House Class 1: Shop Class 2: Financial services, professional services or other services that are provided primarily to visiting members of the public Class 3: Office Class 6: Residential club, guest house or hostel Class 12: Public House	
Please describe the works that will be carried out both internally and externally to the structure: No external changes will be made to the building. The former bar and lounge area will be converted into 2 No. apartments.	

4. Declaration

I/We confirm the following to be true in the provision of this Notification to the Planning Authority;

	Qualifying Details	Please tick
1	The change of use, and any related works, be completed by 31 st December 2025	✓
2	The structure has been vacant for a period of two years immediately prior to when the development takes place.	✓
3	The structure has at some time been used for the purpose of its current class, being Class 1, 2, 3, 6 or 12	✓
4	Subject to 5 below, any related works, a) shall primarily affect the interior of the structure, b) retain 50 per cent or more of the existing external fabric of the building, and c) 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.	✓
5	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.	✓

6	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.	✓
7	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	✓
8	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	✓
9	Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.	✓
10	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.	✓
11	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	✓
12	No development shall relate to any structure in any of the following areas: a) an area to which a special amenity area order relates b) an area of special planning control c) 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.	✓
13	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) of the Planning & Development Regulations 2001, as amended, would apply.	✓
14	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.	✓

Signature of Applicant (s)/Agent: _____

Date: 9th November 2023 _____

This application form must be accompanied by:

Copy of location map, scale not less than 1:1000 in built up areas and 1:2500 in all other areas (which shall be marked thereon), clearly outlining in red the land to which the application relates and the boundaries thereof.

All maps submitted to the planning authority should be in accordance with the requirements of the Planning and Development Regulations 2001-2015. (must contain both required scale and north point)



Comhairle Cathrach Chorcaí Cork City Council

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

Damien O'Mahony,
Keystone Planning Consultancy Ltd,
Rossbrin, Frankfield View,
Old Youghal Road.
Cork

02/09/2024

RE: **Section 5 Declaration R864/24, Former Three Horseshoes Bar,
290, Old Youghal Road, Cork, T23TW01**

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. An existing floor plan and any other plans required to demonstrate that 50 or more of the existing external fabric of the building is retained. In the interest of clarity the external fabric includes the roof.
2. The documentation provided indicates that no changes are proposed to the existing elevations. Please confirm that all signage / ornamentation associated with the former use of the will remain. If it is to be removed please provide details.
3. Concern has been raised about access to natural light for habitable rooms within Unit 1, specifically the bedrooms. Please submit a *Daylight, Sunlight and Overshadowing (DSO) Assessment* to demonstrate access to light. If changes are required to the layout as a result of the assessment please submit revised plans.

Is mise le meas,


Rob Keating

Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council



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PLANNER'S REPORT Ref. R854 /24		Cork City Council Culture, Community and Placemaking
Application type	Section 5 Declaration	
Description	<i>Whether requires planning permissions</i>	
Location	Former Horseshoe Bar, 290 Old Youghal Road	
Applicant	Owen Barrett	
Date	11/06/2025	
Recommendation	<i>Further information required</i>	

In this report 'the Act' means the Planning and Development Act 2000 (as amended) and 'the Regulations' means the Planning and Development Regulations 2001 (as amended), unless otherwise indicated.

1. Requirements for a Section 5 Declaration

Section 5(1) of the Planning and Development Act 2000 as amended states,

5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this 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.

The requirements for making a section 5 declaration are set out in the Act.

2. The Question before the Planning Authority

In framing the question to the planning authority, the applicant states in Q3 of the application form:

Is the conversion of the former public house, known as The Three Horseshoes, 290, Old Youghal Road, Cork to residential use, namely 2 no. apartments, development and, if so, is it development pursuant to S.I. 75 of 2022?

Under the additional details section of the form it states:

Notification of this change of use pursuant to S.I. 75 of 2022 was submitted to the Planning Authority on 9th November 2023. The property has been vacant since lockdown following the outbreak of Covid 19, (March 2020). No changes are being made to the existing elevations. Copy of notification enclosed.

3. Site Description

The subject site consists of the ground floor of a two storey former public house on the northern side of the Old Youghal Road close to its junctions with Gordon's Hill and Gardiner's Hill.

4. Planning History

16/37154	Retention of fire escape doors on the front elevation
Outcome	Granted 18/01/2017

5. Legislative Provisions

5.1 The Act

Section 2(1),

"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 3(1),

In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or 'the making of any material change in the use of any structures or other land'

Section 4(1)(h),

The following shall be exempted developments for the purposes of this Act-development consisting of the carrying out of works for the maintenance, improvement or other alteration 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;

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 2001-2013.

Section 5(1),

(See section 1 of this report)

Section 177U (9) (screening for appropriate assessment)

In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

5.2 The Regulations

Article 9 (1)

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

-
- (a) (i) if the carrying out of such development would... contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
- (a) (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,*

S.I. No. 75/2022 - Planning and Development Act (Exempted Development) Regulations 2022

Article 10 (1)

Development which consists of a change of use within any one of the classes of use as 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 –

- (c) be inconsistent with any use specified or included in such a permission, or*
- (d) be development where the existing use is an unauthorised, save where the change of use consists of resumption of a use which is not unauthorised and which has not been abandoned*

Article 10(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 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 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.

(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 subparagraph (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.*
- (e)(i) *Where a person proposes to undertake development to which paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works related to the proposed change of use and any related works;*
- (ii) *Details of each notification under subparagraph (i), which shall include information on—*
 - (I) the location of the structure,*
 - (II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, and*
 - (III) the Eircode for the relevant property,**Shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.*
- (iii) *During the years 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026 each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii).*

6. ASSESSMENT

It should be stated at the outset 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.

6.1 Development

The first issue for consideration is whether or not the matter at hand is 'development'.

'Development' as defined in the Act (3)(1) comprises two possible chief components: *'the carrying out of any works on, in, over or under land', or 'the making of any material change in the use of any structures or other land'*. In order to ascertain whether or not the subject use is considered to be development as so defined, consideration must first be given to whether any works on, in, over or under land have or will be carried out, and secondly to whether any material change in the use of any structures or other land have or will take place.

'Works' is defined in section 2(1) of the Act as *'the carrying out of any works on, in, over, or under land' including '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.'*

I consider that the proposed change of use will require works. Both the change of use and the associated constitutes development.

6.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development.

Sufficient information (drawings, schedule of accommodation etc.) has been submitted to allow an assessment of the proposal to be undertaken against the criteria listed in Article 10(6) of the Planning and Development Regulations and this is assessed in detail below.

ARTICLE	REQUIREMENT	ASSESSMENT
10(6)(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	The subject site was previously used as a public bar. <i>Class 12 is – Use as a Public House, meaning a premises which has been licenced for the sale and consumption of intoxicating liquor on the premises under the Licensing Acts 1833 to 2018.</i> This requirement is met
10(6)(c)(i)	The structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018	The structure was constructed prior to the making of the regulations. This requirement is met
10(6)(c)(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	This requirement is met
10(6)(c)(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	It is stated in the cover letter submitted with the application that the site has been vacant for since 2020. This requirement is met
10(6)(d)(i)	The development is commenced and completed during the relevant period.	The applicant is required to comply with this requirement.
10(6)(d)(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 only the interior of the structure, (II) retain 50 per cent or more of the existing external fabric of the building, (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 application states that there are no changes proposed to the exterior. It is unlikely that existing signage associated with the bar will be retained. No existing plans have been provided to demonstrate that 50% or more of the external fabric will be retained. Further information is required to confirm these details.
10(6)(d)(iii)	Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and	n/a as the existing use is not retail.

	streetscape character of the remainder of the structure or of neighbouring structures	
10(6)(d)(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.	The subject site is zoned ZO 1 – Sustainable Residential Neighbourhood. Residential development is acceptable within this zoning. The proposed change of use accords with this sub-article. This requirement is met
10(6)(d)(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.	The upper floor of the building appears to be in residential use. Whilst confirmation of the number of units would normally be required in this instance, given size of the space, I consider it unlikely that there will be more than 9 no. units in the structure. This requirement is met
10(6)(d)(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.	Please see separate discussion / assessment below.
10(6)(d)(vii)	Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.	Habitable room is defined under Article 10(6) of the Planning Regulations as a <i>'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.'</i> The only source of light to the bedrooms in Unit 1 is from a covered courtyard. Confirmation is required to demonstrate adequate access to natural light.
10(6)(d)(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	The subject site is not a protected structure. This requirement is met

	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.	
10(6)(d)(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.	I am satisfied that that the proposal does not contravene a condition attached to a permission. This requirement is met
10(6)(d)(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.	This requirement is met
10(6)(d)(xi)	No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.	This requirement is met
10(6)(d)(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.	N/A

10(6)(d)(vi) – the following is an assessment against the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities”. The figures given in the second table are derived from the floor plan provided.

New Apartment Guidelines for Planning Authorities 2023 Minimum Requirements						
Apt Type	Total (sqm)	Aggregate Living / Dining (sqm)	Living / Dining Width (m)	Aggregate Bed (sqm)	Bedroom width (m)	Storage (sqm)
One bed	45	23	3.3	11.4	2.8 double	3
Two bed	63	28	3.6		2.8 double	

(3 person)				20.1	2.1 single	5
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Proposed Development (non-compliance shown in red)							
	Beds	Total Area (sqm)	Kitchen / Living (sqm)	Width (m)	Aggregate Bedrooms (sqm)	Bedroom width (m)	Storage (sqm)
Unit 1	2	85.8	30.5	5	24.6	Double 3.1 Single 2.2	Not shown
Unit 2	1	58.37	41.4	4	13.5	3.1	Not shown

The proposed units meet or exceed the minimum requirements with the exception of the provision of internal storage. I note that presses are shown in the bedrooms of both units. The area is not provided. Section 3.31 of the Guidelines states that:

Storage should be additional to kitchen presses and bedroom furniture, but may be partly provided in these rooms. In such cases this must be in addition to minimum aggregate living/dining/kitchen or bedroom floor areas.

The storage areas provided appear to be included in the floor area of the bedroom floor area. Section 3.34 however states that: *building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, the storage requirement may be relaxed in part, on a case-by-case basis, subject to overall design quality.* In this instance given the units are being created through a refurbishment, and are substantially larger than the minimum floor area required, I consider this requirement is met.

To conclude further information is required to confirm whether the proposed development accords with the limitations set out in article 10(6)(d)(ii) and (vii).

7. ENVIRONMENTAL ASSESSMENT

7.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) Regulations 2011) 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 an environmental impact statement is not required to be submitted.

7.2 Screening for Appropriate Assessment

Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the *Habitats Directive*, the *Appropriate Assessment Guidelines for Planning Authorities 2009* (revised 2010) and the Act are noted. 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 the European sites referred to above. Accordingly it is considered that appropriate assessment is not required.

8. RECOMMENDATION

This report recommends that the following further information be requested:

Further information is required to assess whether the proposed change of use accords with the conditions and limitations set out in Articles 10(6)(d)(ii) and (vii) of the Planning and Development Regulations 2001 (as amended).

Specifically please submit the following:

1. An existing floor plan and any other plans required to demonstrate that 50 or more of the existing external fabric of the building is retained. in the interest of clarity the external fabric includes the roof.
2. The documentation provided indicates that no changes are proposed to the existing elevations. Please confirm that all signage / ornamentation associated with the former use of the will remain. If it is to be removed please provide details.
3. Concern has been raised about access to natural light for habitable rooms within Unit 1, specifically the bedrooms. Please submit a *Daylight, Sunlight and Overshadowing (DSO) Assessment* to demonstrate access to light. If changes are required to the layout as a result of the assessment please submit revised plans.



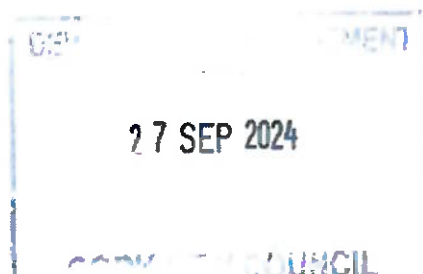
Martina Foley
A/Senior Executive Planner



Comhairle Cathrach Chorcaí Cork City Council

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

Damien O'Mahony,
Keystone Planning Consultancy Ltd.
Rosshrin, Frankfield View,
Old Youghal Road,
Cork



02/09/2024

**RE: Section 5 Declaration R864/24, Former Three Horseshoes Bar,
290, Old Youghal Road, Cork, T23TW01**

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. An existing floor plan and any other plans required to demonstrate that 50 or more of the existing external fabric of the building is retained. in the interest of clarity the external fabric includes the roof.
2. The documentation provided indicates that no changes are proposed to the existing elevations. Please confirm that all signage / ornamentation associated with the former use of the will remain. If it is to be removed please provide details.
3. Concern has been raised about access to natural light for habitable rooms within Unit 1, specifically the bedrooms. Please submit a *Daylight, Sunlight and Overshadowing (DSO) Assessment* to demonstrate access to light. If changes are required to the layout as a result of the assessment please submit revised plans.

Is mise le meas,


Rob Keating

Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council



We are Cork.



Keystone Group Planning Consultants
M: 086 0441483 | E: damien@keystonegroup.ie
Rossbrin, Frankfield View, Old Youghal Road, Cork T23 C4HX

Development Management Section
Community, Culture and
Placemaking Directorate,
Cork City Council,
City Hall,
Anglesea Street,
Cork.



27th September 2024

Section 5 Declaration R864/24, Former Three Horseshoes Bar,
290, Old Youghal Road, Cork, T23TW01

A Chara.

I refer to our recent request for a Section 5 Declaration for the above-named property and the Planning Authority's subsequent request for further information issued on 2nd September 2024. The RFI requested the following: -

- 1 **An existing floor plan and any other plans required to demonstrate that 50 or more of the existing external fabric of the building is retained. in the interest of clarity the external fabric includes the roof.**

Our Response

Please see attached copy of the existing floor plan together with the proposed layout. No external changes are being made to the external fabric of the building including the pitched roof with the exception of the following. In response to Item 3 of the RFI the existing flat roof over the proposed courtyard at the rear will be covered by a glazed monopitched roof (5°) with ventilation and will also now incorporate two no. Infinity Fixed Flat Roof Light Toughened Glass Windows 1000 x 2000 to allow more light into the bedrooms of Unit 1, (please see attached image). These minor changes ensure that considerably more than 50% of the existing external fabric of the building, (including the roof), is retained.



- 2 **The documentation provided indicates that no changes are proposed to the existing elevations. Please confirm that all signage / ornamentation associated with the former use of the will remain. If it is to be removed please provide details.**

Our Response

Our Clients have confirmed that all signage/ornamentation associated with the building's former use will remain.

- 3 **Concern has been raised about access to natural light for habitable rooms within Unit 1, specifically the bedrooms. Please submit a Daylight, Sunlight and Overshadowing (DSO) Assessment to demonstrate access to light. If changes are required to the layout as a result of the assessment, please submit revised plans.**

Our Response

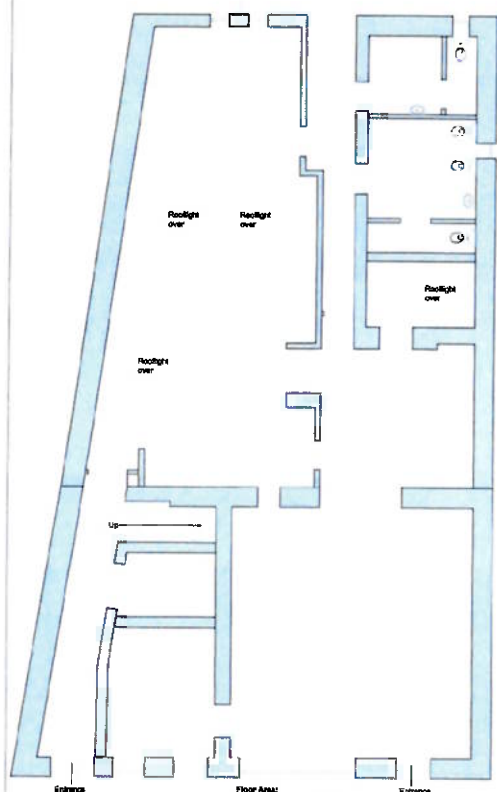
The glazed roof over the courtyard area, the introduction of large Infinity roof lights over the bedrooms and the use of opaque doors onto the courtyard, (please see attached image), will ensure that the apartments receive more than adequate natural light. We trust that the incorporation of these elements will obviate the necessity for a Daylight, Sunlight and Overshadowing Assessment. If that is not the case, please let us know and we will undertake the Assessment.



We trust these responses are acceptable and adequately address the issues raised in the Request for Further Information and we look forward to the Planning Authority's decision in due course.

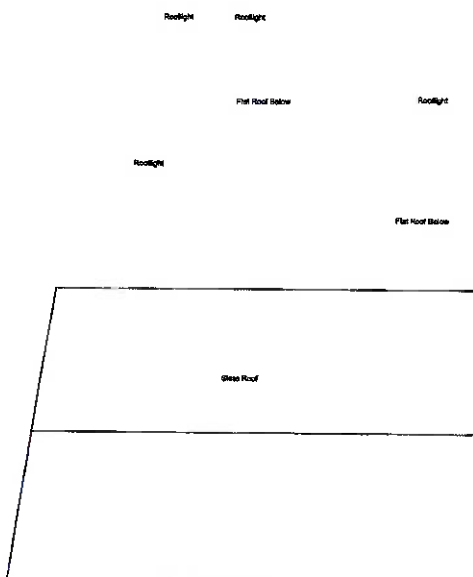
Yours Faithfully,


Damien O'Mahony
 **KEYSTONE**
PLANNING CONSULTANCY



EXISTING GROUND FLOOR PLAN

Floor Areas:
Existing ground floor: 200.02m²
Existing first floor: 87.64m²
Existing second floor: 72.35m²
Existing roof area: 308.79m²

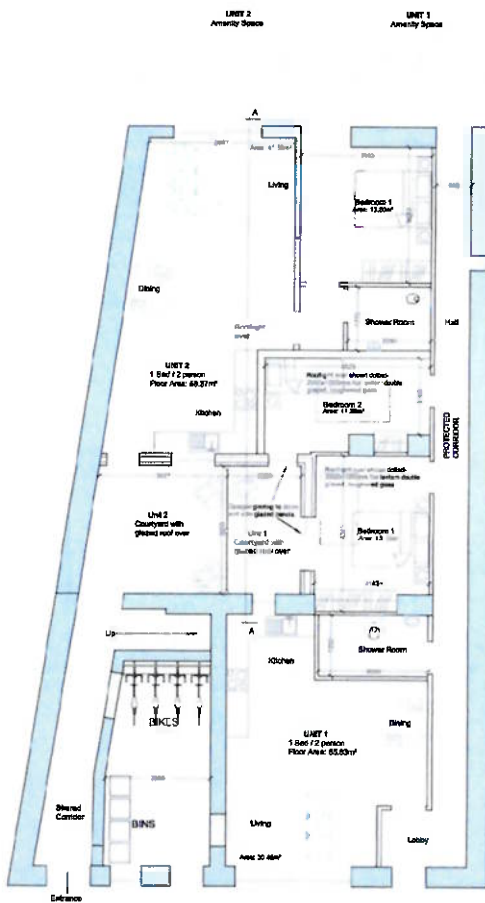


EXISTING ROOF PLAN

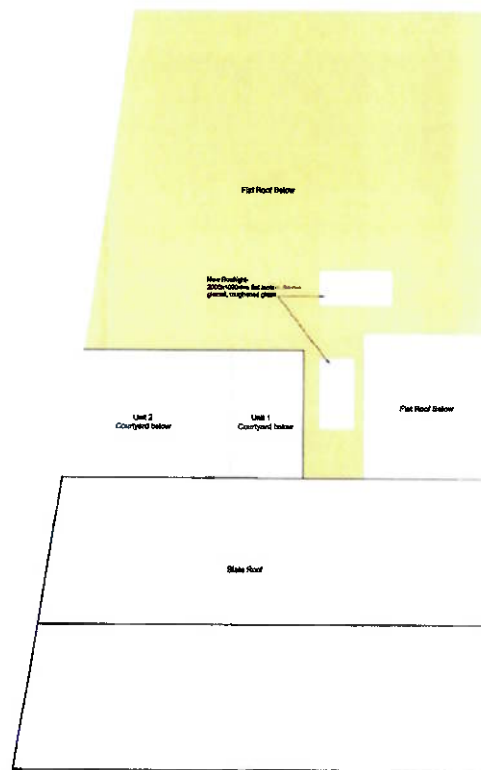
DEVELOPMENT

27 SEP 2024

04/7/24 Proposed works At: The Three Horseshoes Pub, No.290, Old youghal Road, Mayfield, Cork. For:	
EXISTING GROUND FLOOR AND ROOF PLANS	
Date: 05.09.2023 Scale: 1:50	Sheet no.01



PROPOSED GROUND FLOOR PLAN



PROPOSED ROOF PLAN

DESIGN
27 SEP 2024
KEYSTONE CONSULTANCY

As the
Proposed works
At: The Three Horseshoes Pub,
No.280, Old youghal Road,
Mayfield,
Cork.
For:
PROPOSED GROUND FLOOR PLAN
Date: 08/11/2023
Scale: 1:100
Sheet no.02

OSi PLACE Map

Corcaigh

CAHERGAL PARK

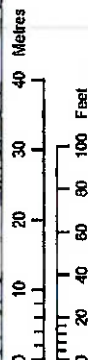
GORDON'S HILL

OLD YOUGHAL ROAD

KELLEHER'S BUILDINGS

GARDINER'S HILL

ST JOSEPH'S DRIVE



OUTPUT SCALE: 1:1,000

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



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Táirge Éireann

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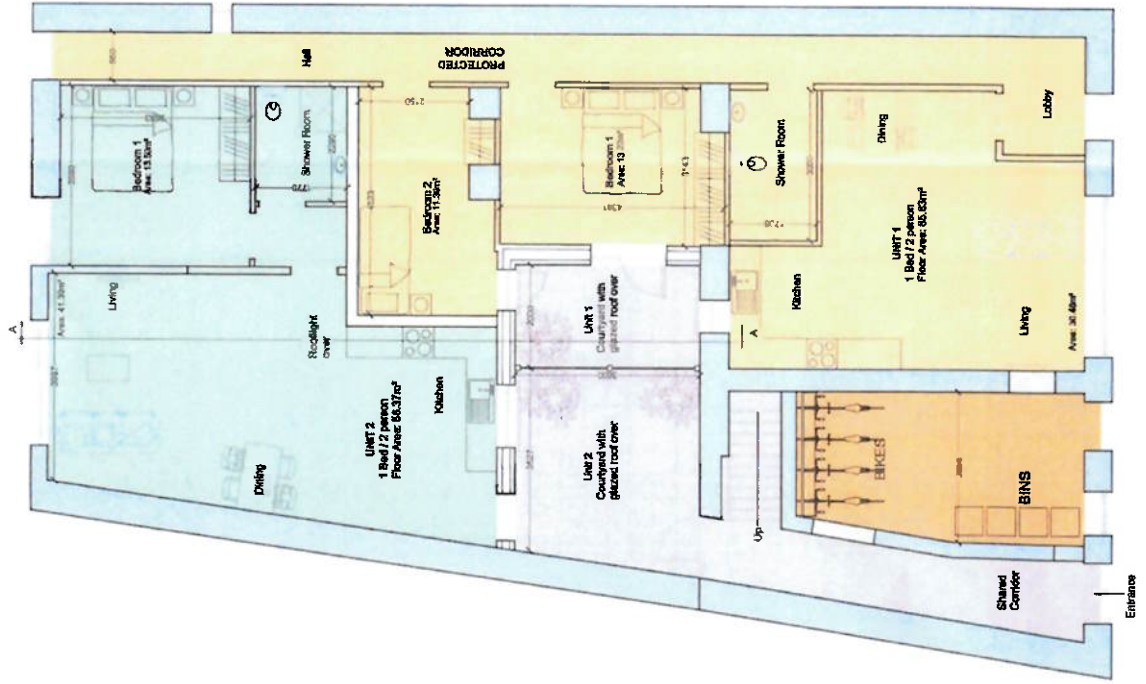
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UNIT 2
Amenity Space

UNIT 4
Amenity Space



PROPOSED GROUND FLOOR PLAN

Proposed works

At: The Three Horseshoes Pub,
No.280, Old youghal Road,
Mayfield,
Cork.

For:

PROPOSED GROUND FLOOR PLAN

Date: 06.11.2023
Scale: 1:100

Sheet no.02

