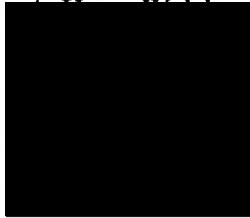




Comhairle Cathrach Chorcaí Cork City Council

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

Lyonshall Limited



10/01/2025

**RE: Section 5 Declaration R890/24 Former Saint Joseph's Convent,
Model Farm Road, Cork**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 08th November 2024, I wish to advise as follows:

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

In considering this referral the Planning Authority had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Planning and Development (Exempted Development) (No. 4) Regulations 2023 (S.I. 376 (2023));
- (d) Class 20F of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as amended).

The Planning Authority has concluded that —

- (a) the works constitute development which come within the scope of Section 3(1) of the Planning and Development Act 2000 (as amended);
- (b) the established use is as permitted under T.P. 14218/88;
- (c) this use is considered to be akin to 'other health and social care accommodation' as outlined in Class 20F of the Planning and Development Regulations 2011 (as amended).

Therefore, the Planning Authority decides that —

- (a) the temporary change of use of the former St. Josephs Convent, Model Farm Road to residential accommodation for International Protection Applicants is **development and is exempted development**

all at the former St. Joseph's Convent, Model Farm Road, Cork.




We are Cork.

Please note that this opinion is based upon the use ceasing in accordance with the limitations and conditions set out under Class 20F of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as amended) and the applicant should be advised of same.

It is considered that the *the specific question for which a declaration is sought* **IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT** at Former Saint Joseph's Convent, Model Farm Road, Cork.

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, 10TH January, 2025.

Is mise le meas,


David Foley
Development Management Section
Planning & Integrated Development
Cork City Council

PLANNER'S REPORT Ref. R 890/24		Cork City Council Development Management Section
Application type	Section 5 Declaration	
Description	<i>Whether the temporary change of use of the former St. Josephs Convent, Model Farm Road to residential accommodation for International Protection Applicants is or is not exempted development.</i>	
Location	Former St. Josephs Convent, Model Farm Road	
Applicant	Lyonshall Limited.	
Date of application	08.11.2024	
Date F.I. Submitted	12.12.2024	

FURTHER INFORMATION ASSESSMENT & RECOMMENDATION

This report should be read in conjunction with my previous report dated 06.12.2024 which recommended that following Further Information be sought as follows:

- 1. Please clarify the planning status of the entire structure having regard to the number of extensions/alterations which have occurred on site and the previous use. The Planning Authority notes that the former use of the structure appears to have been as a convent/nursing home/care home for retired/elderly nuns/visiting nuns. Planning application T.P. 88/14218 is noted however it is not clear whether this was enacted as conditions do not appear to have been complied with – in particular Conditions 2-6. Please clarify if this grant of permission was enacted. Please submit any available floor plans/compliance details from the time of this application as these are not available to the Planning Authority. Please clarify whether T.P. 88/14218 related to a part of the structure or the entirety of same and clarify the area which was extended under that permission. It is also noted that permission was granted under T.P. 86/13126 for the retention of a garage and kitchen extension (applicant Dermot O'Regan) – please clarify the extent of the current structure to which this application relates and whether additional structures were constructed side from those permitted under 88/14218 and 86/13126.*
- 2. Please submit floorplan drawings of the structure prior to its current use – please clarify the number of residents on site at that time.*
- 3. Please clarify what works (internal/external) were carried out on site since the cessation of the former use including current floor plans and details of the number of bedrooms/persons living in the structure and whether this will increase/change under the current proposal and whether floorplans will change.*

A response to this Further Information request was received on 12.12.2024 (see attached documentation).

Notification of grant of permissions in relation to T.P. 13126/86 (retention of garage and kitchen extension) and 14218/88 have been submitted (these were already available to the Planning

Authority). No drawings attached to those permissions are available it is stated, although a tender document dating from 1988 for the proposed extension/alterations works has been submitted. The layout as shown on that drawing accords in shape with the existing site layout drawings submitted as part of the recent L.R.D. applications. (No floorplans were submitted as part of those applications). The layout shows 20 bedrooms which accords with the description of the development within the newspaper article at the time of the sale of the property in 2022, as mentioned in my previous report. The floorplans show that the proposed use extended to the entire structure.

I note that it appears when looking at the site layout that the original entrance referred to in Condition 3 appears to have been relocated from the east and a new splayed entrance provided to the west. The footpath is also wider than that to the east of the site. It is stated that, with the exception of a letter confirming that contributions were paid, no other compliance with conditions details were available to the applicant at the time of purchase of the property. The applicant has however submitted a certificate of compliance in relation to conditions attached to T.P. 14218/88. A letter from the former owner has also been submitted which confirms that no further extensions/works were carried out subsequent to the implementation of the 1988 permission. The submitted floorplan has been annotated to show current rooms in use – (3 additional) with no other internal or external works carried out apart from for maintenance/security/fire safety.

It appears therefore that the 1988 permission was implemented which provided for an extension to the original dwellinghouse and a change of use, and that the use described in the development description as ‘accommodation for disabled and elderly’ was enacted and established. It is considered that this use is akin to the ‘other health and social care accommodation’ use outlined in Class 20F of the Planning and Development Regulations 2001 (as amended). I note that most of the measures set out in the associated the conditions & limitations to Class 20(f) relate to the timeframe for the cessation of the temporary use. It is considered that in identifying the type of use proposed as being in accordance with Class 20(f) and having regard to the proposed use being described as ‘temporary’ in the application question, that the applicant must be aware of these limitations.

CONCLUSION

In considering this referral the Planning Authority had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Planning and Development (Exempted Development) (No. 4) Regulations 2023 (S.I. 376 (2023));
- (d) Class 20F of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as amended).

The Planning Authority has concluded that –

- (a) the works constitute development which come within the scope of Section 3(1) of the Planning and Development Act 2000 (as amended);
- (b) the established use is as permitted under T.P. 14218/88;
- (c) this use is considered to be akin to ‘other health and social care accommodation’ as outlined in Class 20F of the Planning and Development Regulations 2011 (as amended).

Therefore, the Planning Authority decides that –

- (a) the temporary change of use of the former St. Josephs Convent, Model Farm Road to residential accommodation for International Protection Applicants is **development and is exempted development**

all at the former St. Joseph's Convent, Model Farm Road, Cork.

Please note that this opinion is based upon the use ceasing in accordance with the limitations and conditions set out under Class 20F of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as amended) and the applicant should be advised of same.

Evelyn Mitchell,
Senior Executive Planner,
08.01.2025

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

Former St. Josephs Convent, Model Farm Road, 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.

Request for Declaration under Section 5 of the Planning and Development Act 2000 on whether the temporary change of use of the former St. Josephs Convent on Model farm Road, Cork, to residential accommodation for International Protection Applicants is or is not exempted development.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

Please refer to the Cover Letter prepared by HW Planning.





08 NOV 2024

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	991.3 sq.m
(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:	
Existing/ previous use (please circle) _____ Please refer to the Cover Letter prepared by HW Planning.	Proposed/existing use (please circle) _____ Please refer to the Cover Letter prepared by HW Planning.

4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		Lyonshall Limited	
Applicants Address			
Person/Agent acting on behalf of the Applicant (if any):	Name:	Harry Walsh - HW Planning	
	Address:		
	Telephone:		
	Fax:	N/A	
	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 X	B. Other
Where legal interest is 'Other', please state your interest in the land/structure in question	N/A	
If you are not the legal owner, please state the name and address of the owner if available	N/A	

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



Signature: _____

Date: 6th of November 2024

.....

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

The Development Management Section
Community, Culture & Placemaking Directorate
Cork City Council
City Hall
Anglesea Street
Cork
T12 T997

8 November 2024

HW Planning
5 Joyce House,
Barrack Square
Ballincollig,
Cork
P31 KP84

www.hwplanning.ie
info@hwplanning.ie
+353 (0)21 487 3250

Directors:
Harold Walshi
Conor Frehill

Company Reg. No.
486211

Accreditations
ISO 9001:2015
ISO 14001:2015
ISO 45001:2018

Re: Request for Declaration under Section 5 of the Planning and Development Act 2000 on whether the temporary change of use of the former St. Josephs Convent on Model farm Road, Cork, to residential accommodation for International Protection Applicants is or is not exempted development.

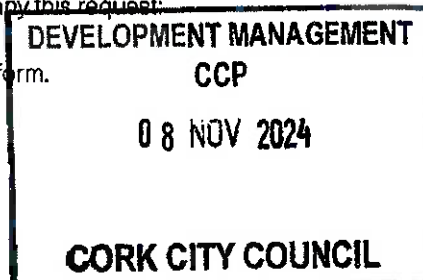
Dear Sir/Madam,

We act on behalf of Lyonshall Limited who request a declaration from Cork County Council on whether the temporary change of use of the former St. Josephs Convent on Model Farm Road, Cork, to residential accommodation for International Protection Applicants is or is not exempted development.

The following plans and particulars accompany this request:

- 2 no. copies of completed application form.
- 2 no. copies of this cover letter.
- Statutory fee of €80.

01 Development Context



International Protection Applicants are individuals who have come to Ireland to escape persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, and cannot seek protection in their own country. Once International Protection Applicants arrive in Ireland they must be allowed to stay in Ireland while the International Protection Office (IPO) assesses their application for International Protection. Under EU and International Law, Ireland is obliged to examine the claim of any person who arrives into the country and claims International Protection.

The International Protection Accommodation Service (IPAS) is a division of the Department of Children, Equality, Disability, Integration and Youth who are responsible for the provision of accommodation and related services to people in the International Protection process. Properties identified as being suitable for the accommodation of International Protection Applicants enter into tenancy agreements with the Department of Children, Equality, Disability, Integration and Youth (MCEDIY) to specifically accommodate International Protection Applicants while their

applications are being processed. An individual's residence at an identified IPAS accommodation property is completely voluntary and residents may leave at any time and source their own accommodation.

The building was most recently in temporary use as accommodation for Displaced Persons from the Ukraine. As outlined in the explanatory notes of S.I. 306 of 2022, once the temporary use of the building is no longer required for such use, or the relevant exempted period ceases, then the use should be discontinued unless a grant of planning for the permanent use of the building for such purposes is obtained.

"The provisions of the Planning and Development Act 2000 shall not apply to the specified classes of temporary development in the Schedule only for so long as the regulations are in force. After this time the removal, demolition or alteration of any temporary structure and the discontinuance of any temporary use and, in so far as is practicable, the restoration of the land to its condition prior to the commencement of the development, shall be required, unless the development is permitted, exempted or otherwise regularised by a provision of the Planning and Development Act 2000, or the Regulations thereto."

We wish to highlight to the Council that the previous and permanent use of the building is as 'accommodation for the disabled and the elderly' permitted by Cork City Council Ref: 88/14218. The property has now been identified as being suitable by the MCEDIY to accommodate designated International Protection Applicants.

02 Legislative Context

Planning and Development Act 2000 (as amended)

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

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

Section 2 of the Planning and Development Act, 2000 defines 'works' as:

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

'Planning and Development (Exempted Development) (No. 4) Regulations 2022' (S.I. No. 605/2022)

On 29th November 2022 Minister Darragh O'Brien signed into effect the 'Planning and Development (Exempted Development) (No. 4) Regulations 2022' (S.I. No. 605/2022) in response

to the ongoing unprecedented demand for the accommodation of those seeking international protection. These Regulations amended Part 1 of Schedule 2, entitled '*Exempted Development - General*', to the Planning and Development Regulations 2001, as amended, to insert a new Class 20F exemption. This new Class 20F permitted the change of use of certain specified structures for the purpose of providing the necessary facilities and accommodation for International Protection Applicants. Those provisions were a temporary time-limited measure and were due to expire on 31st December 2024, with the use of the specified structures ceasing to apply on that date.

Planning and Development (Exempted Development) (No. 4) Regulations 2023' (S.I. 376/2023)

The '*Planning and Development (Exempted Development) (No. 4) Regulations 2023*' (S.I. 376/2023) further amends the exemption provided by S.I. 605 of 2022, from 31st December 2024 to 31st December 2028 to allow the Department of Children, Equality, Disability, Integration and Youth greater flexibility in agreeing leases with potential accommodation providers for International Protection Applicants.

Class 20F of S.I. 376/2023 of the Planning and Development Regulations 2001 specifies that the following development for the accommodation of international protection applicants is exempted development.

Description of Development	Conditions and Limitations
<p><u>Class 20F</u></p> <p>Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.</p>	<ol style="list-style-type: none"> 1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection. 2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022 comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001. 3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31st December 2028. 4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the

purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.

5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.

6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.

7. 'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).

8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.

As confirmed in Circular Letter PL 09/2023 dated 4th August 2023 regarding S.I. 376/2023.

'There is no change to the structures listed from that which was provided by SI 605 of 2022.'

Class 20F of S.I. 376/2023 of the Planning and Development Regulations 2001 specifies that the following development for the accommodation of international protection applicants is exempted development.

- Medical and other health and social care accommodation.

As referenced previously, St. Josephs was most recently in use as accommodation for the disabled and the elderly. It is considered that this use is compatible with 'medical and other health and social care accommodation', uses as categorised in Class 20F of S.I. 376/2023, and accordingly the use of the premises for the accommodation of International Protection Applicants is exempted development.

03 Precedent

Cork City Council Reference R830/24 – 11-15 Bridge Street Cork

On 24th April 2024, Cork City Council issued a Declaration under Section 5 of the Planning and Development Act 2000, specifying that:

'The change of use of the former bank premises at lower ground and ground floor levels (No's 11-13 Bridge Street) & ancillary offices at 1st, 2nd & 3rd floor levels (No's 11-12 Bridge Street) & ancillary offices at 1st, 2nd & 3rd floor levels of existing commercial

building (12-15 Bridge Street) for use as temporary accommodation for displaced persons or persons seeking International Protection.'

constituted development and was exempted development for the relevant period. Cork City Council Reference R830/24 refers. In their reasoning of their decision the Planning Authority had particular regard to:

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

04 Conclusion

In summary, the subject premises has been identified as being suitable for the temporary accommodation of designated International Protection Applicants. The building was most recently in temporary use as accommodation for Displaced Persons from the Ukraine, with its previous and permanent use as accommodation for the disabled and the elderly permitted by Cork City Council Ref: 88/14218, which is compatible with 'medical and other health and social care accommodation', uses as categorised in Class 20F of S.I. 376/2023.

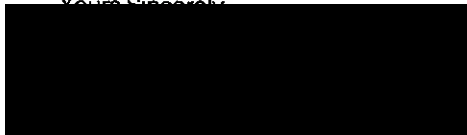
Accordingly having regard to:

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

We consider that the change of use of the former St. Josephs Convent on Model Farm Road, Cork, to temporary residential accommodation for International Protection Applicants is development and is exempted development.

Please do not hesitate to contact us if you have any queries.

Yours Sincerely,



Harry Walsh
HW Planning

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



Cathal Daly,
LYONSHALL LTD.
Floor 3,
Blackrock Hall,
Blackrock Avenue,
Skehard Road,
Blackrock,
Cork.
T12 YR2P

5th November 2024

RE: Application for Planning Exemption - Provision of Accommodation for International Protection Applicants at St Joseph's Convent, Model Farm Road, Cork. T12 EF24

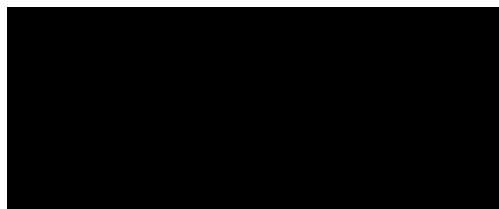
To whom it may concern,

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 [REDACTED]

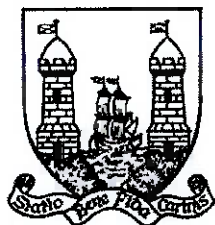
Yours sincerely,



Seán Woods
Higher Executive Officer
International Protection Procurement Services

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

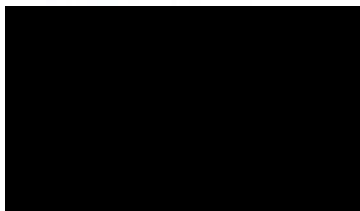
Bloc 1, Plaza Miesach, 50-58 Sráid Bhagóid Íochtarach, Baile Átha Cliath 2. D02 XW14
Block 1, Miesian Plaza, 50-58 Baggot Street Lower, Dublin 2. D02 XW14
T +353 1 647 3000 | contact@equality.gov.ie
www.equality.gov.ie



Comhairle Cathrach Chorcaí Cork City Council

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

Lyonshall Limited



06/12/2024

**RE: Section 5 Declaration R890-24 Former Saint Joseph's Convent,
Model Farm Road, Cork**

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 Please clarify the planning status of the entire structure having regard to the number of extensions/alterations which have occurred on site and the previous use. The Planning Authority notes that the former use of the structure appears to have been as a convent/nursing home/care home for retired/elderly nuns/visiting nuns. Planning application T.P. 88/14218 is noted however it is not clear whether this was enacted as conditions do not appear to have been complied with – in particular Conditions 2-6. Please clarify if this grant of permission was enacted. Please submit any available floor plans/compliance details from the time of this application as these are not available to the Planning Authority. Please clarify whether T.P. 88/14218 related to a part of the structure or the entirety of same and clarify the area which was extended under that permission. It is also noted that permission was granted under T.P. 86/13126 for the retention of a garage and kitchen extension (applicant Dermot O'Regan) – please clarify the extent of the current structure to which this application relates and whether additional structures were constructed side from those permitted under 88/14218 and 86/13126.
- 2 Please submit floorplan drawings of the structure prior to its current use – please clarify the number of residents on site at that time.



We are Cork.

- 3 Please clarify what works (internal/external) were carried out on site since the cessation of the former use including current floor plans and details of the number of bedrooms/persons living in the structure and whether this will increase/change under the current proposal and whether floorplans will change.

Is mise le meas,



David Foley

**Planning & Integrated Development
Cork City Council**

The Development Management Section
Community, Culture & Placemaking Directorate
Cork City Council
City Hall
Anglesea Street
Cork
T12 T997

12 December 2024

HW Planning
5 Joyce House,
Barrack Square,
Ballincollig,
Cork
P31 KP84

www.hwplanning.ie
info@hwplanning.ie
+353 (0)21 457 3250

**Re: FI Response – Section 5 Declaration Ref: R890-24 –
Whether the temporary change of use of the former St. Josephs Convent on Model
Farm Road, Cork, to residential accommodation for International Protection
Applicants is or is not exempted development.**

Dear Sir/Madam,

Directors:
Harold Walsh
Councillor

Company Reg. No.
486211

Accreditations
ISO 9001:2015
ISO 14001:2015
ISO 45001:2018

We act on behalf of Lyonshall Limited who wish to respond to a further information request from Cork City Council relating to a Section 5 Declaration Request to determine whether the temporary change of use of the former St. Josephs Convent on Model Farm Road, Cork, to residential accommodation for International Protection Applicants is or is not exempted development.

The following plans and particulars accompany this response:

- Statutory Declaration from Sister Mary Fahy
- Statutory Declaration from Michael Kiely (Engineer)
- Permitted Floor Plan prepared by Kenny Whelan Keane Consulting Engineers
- Documents Relating to Planning Reference No: 86/13126
- Documents Relating to Planning Reference No: 88/14218
- Certificate from Waterman Consulting Engineers.

**CORK CITY COUNCIL
PLANNING & DEVELOPMENT**

12 DEC 2024

DEVELOPMENT MANAGEMENT

01 Further Information Request Responses

1.1 Point 1 - Planning History Clarification

Please clarify the planning status of the entire structure having regard to the number of extensions/alterations which have occurred on site and the previous use. The Planning Authority notes that the former use of the structure appears to have been as a convent/nursing home/care home for retired/elderly nuns/visiting nuns. Planning application T.P. 88/14218 is noted however it is not clear whether this was enacted as conditions do not appear to have been complied with - in particular Conditions 2-6. Please clarify if this grant of permission was enacted. Please submit any available floor plans/compliance details from the time of this application as these are not available to the Planning Authority. Please clarify whether T.P. 88/14218 related to a part of the structure or the entirety of same and clarify the area which was extended under that permission. It is also noted that permission was granted under T.P. 86/13126 for the retention of a garage and kitchen extension (applicant Dermot O'Regan) - please clarify the extent of the current structure to which this application relates and whether additional structures were constructed side from those permitted under 88/14218 and 86/13126.

In response to the Planning Authority's queries the applicants which to provide the following clarification in respect of the planning history of the site:

86/13126

This retention permission for the construction of a garage and a kitchen extension what was fully implemented in compliance with the Building Regulations at the time as confirmed in the enclosed Statutory Declaration from Michael Kiely (Engineer). No floor plans from this application were made available to the applicants as part of their purchase of the property in 2022.

88/14218

This is the most recent grant of planning permission on the site, which was also implemented as confirmed in enclosed letters to Sister Paula Provincial from Cork Corporation. As evidenced in the attached floorplans the whole building was in use as accommodation for the disabled and the elderly by the Sisters of the Infant Jesus up until the site was sold in 2022 (Cork City Council Ref: 88/14218). No further works to the building were carried out following this permission as confirmed in the submitted Statutory Declaration from Sister Mary Fahy.

With the exception of proof that the Development Contributions were paid the applicant does not have any details relating to the compliance submitted or agreed in relation to this as they were not made available at the time of them purchasing the site in 2022. However, a Certificate from Waterman Consulting Engineers is enclosed which confirms that all works in relation to this permission were implemented.

1.2 Point 2 - Floorplan Drawings

Please submit floorplan drawings of the structure prior to its current use – please clarify the number of residents on site at that time.

A drawing prepared by Kenny Whelan Keane Consulting Engineers and submitted with the 1988 application is the only record of the planning drawings the applicant has in relation to the layout of the structure prior to its current use. There is no record available for how many residents there was in the building at any given time as this was not disclosed at the time in which the site was purchased, however there was a total of 20 no. bedrooms shown on the plan.

1.3 Point 3 – Internal/External Works

Please clarify what works (internal/external) were carried out on site since the cessation of the former use including current floor plans and details of the number of bedrooms/persons living in the structure and whether this will increase/change under the current proposal and whether floorplans will change.

With the exception of the re-use of rooms within the building for bedrooms as indicated in the annotations overlaid on the submitted Kenny Whelan Keane Consulting Engineers drawing, no internal or external alterations have been made to the building since the 1988 permission (as confirmed in the Statutory Declaration from Sister Mary Fahy). All works carried out since this time have been maintenance related i.e. replacement fire doors, electrical works and installation of CCTV cameras for security.

02 Conclusion

In summary, and as outlined in the cover letter submitted with the initial Section 5 Declaration request, the building was most recently in temporary use as accommodation for Displaced Persons from the Ukraine, with its previous and permanent use as accommodation for the disabled and the elderly permitted by Cork City Council Ref: 88/14218, which is compatible with 'medical and other health and social care accommodation', uses as categorised in Class 20F of S.I. 376/2023.

In addition, we wish to highlight that if it was the City Council's contention that the permitted use of the structure is as a Convent, the use of the structure for accommodation for International Protection Applicants would be considered exempted development in accordance with Class 14(h) of the Planning and Development Regulations 2001-2024.

Accordingly having regard to:

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended), and.
- Articles 6 and 9, Class 14(h) and Class 20F as set out in Schedule 2, Part 1 of the Planning and Development Regulations 2001.

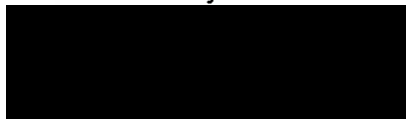
We consider that the change of use of the former St. Josephs Convent on Model Farm Road, Cork, to temporary residential accommodation for International Protection Applicants is development and is exempted development.



h w p l a n n i n g

Please do not hesitate to contact us if you have any queries.

Yours Sincerely



Harry Walsh

HW Planning

BARDAS CHORCAÍ - CORK CORPORATION
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 to 1983

NOTIFICATION OF DECISION TO GRANT

~~OUTLINE PERMISSION / PERMISSION / APPROVAL~~ RETENTION

SUBJECT TO / WITHOUT CONDITIONS UNDER SECTION 26 OF THE ACT OF 1963

To: Mr. Dermot O'Regan,
..... St. Joseph's,
..... Model Farm Road,
..... Cork.

Reference No. in
Planning Register T.P. 13,126/'86

Application
Received: 11.7.'86

In pursuance of the powers conferred upon them by the above-mentioned Act, the Cork Corporation have
by order dated 15/8/86 decided to grant

~~OUTLINE PERMISSION / PERMISSION / APPROVAL~~ RETENTION

for the development of land, namely:- Retention of Garage and Kitchen extension at St. Joseph
Model Farm Road, Cork, in accordance with plans and
particulars submitted on 11.7.'86.

~~Subject to the conditions set out in Column 1 of attached Schedule, the reasons for the imposition of such
conditions are set out in Column 2 of said Schedule.~~

If there is no appeal against the said decision, a grant of

~~OUTLINE PERMISSION / PERMISSION / APPROVAL~~ RETENTION

in accordance with the decision will be issued after the expiration of the period within which an appeal may
be made to An Bórd Pleanála (see footnote).

It should be noted that until a grant of

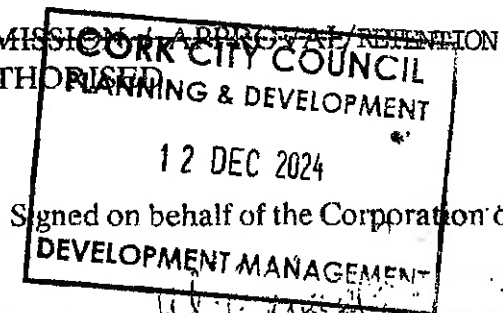
~~OUTLINE PERMISSION / PERMISSION / APPROVAL~~ RETENTION

has been issued the development in question is NOT AUTHORIZED

N.B.-This permission is subject to

..... No. condition(s)

Date: 18/8/86



Staff Officer, Planning Department

NOTE 1: An appeal against a decision of a planning authority under Section 26 of the Act of 1963 may be made to An Bórd Pleanála. An
appeal shall be made in writing and shall state the subject matter of the appeal and the grounds of the appeal. An appeal by the
applicant for permission should be accompanied by this form. In the case of an appeal by any other person, the name of the
applicant, particulars of the proposed development and the date of the decision of the planning authority should be stated.

A fee of £20 must accompany each appeal to An Bórd Pleanála. *No Submission Fee.*

The applicant for permission may appeal within one month beginning on the day of receipt by him of the decision. Any other
person may appeal within three weeks beginning on the date of the decision.

Appeals should be addressed to: An Bórd Pleanála, Floor 3, Block VI and VII, Irish Life Centre, Lr. Abbey Street, Dublin 1.

NOTE 2: Grant of permission under the Local Government (Planning & Development) Act, 1963, is not to be taken as a waiver of the
provisions of any Building Bye-Law, Local Act, Order, Regulation or any other Statutory Provision in force in the Cork
County Borough. Approval under the Corporation's Bye-Laws should also be obtained in addition to the Planning
Permission.

NOTE 3: Please ensure that the requirements of the Chief Fire Officer are complied with.

BARDAS CHORCAI — CORK CORPORATION
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 to 1976 ¹⁹⁸³

NOTIFICATION OF A GRANT OF
~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

UNDER SECTION 26 OF THE ACT

To: Mr. Dermot O'Regan, Reg No. T.P. 13,126/86
St. Joseph's, Model Farm Rd.,
Cork. Application Received: 11th July, 1986.

APPLICATION BY Mr. Dermot O'Regan,
OF St Joseph's, Model Farm Road, Cork.
FOR:—

~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

FOR retention of garage and kitchen extension
AT St. Joseph's, Model Farm Road, Cork.

Further to notification of decision to grant dated 11.8.86
the Cork Corporation hereby conveys a grant of

~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

for the development/retention described subject to the conditions (if any) set out in the said notification.

The permission/~~approval~~ is also subject to further approval being obtained in accordance with article 5 of the Local Government (Planning and Development) Act, 1963, (Permission) Regulations, 1964, prior to the

commencement of

{ the development
any part of the development other than

Bardas Chorcaí Cork Corporation



Abbeycourt House, Georges Quay,
~~CITY HALL~~

CORK

Tel. 021-966222/966017

Ref TH/AO'N

Mr. Dermot O'Regan,

30th September, 1986

Re: Retention of garage and extension to kitchen at St. Joseph's,
Model Farm Road, Cork. BBL 15,636/86.

Dear Sir,

Since work on the above proposal had already been completed before inspection was made under the relevant Building Bye-Laws, no formal Approval will be issued, but you may take it that no further objection will be raised under the Building Bye-Laws.

CORK CITY COUNCIL
PLANNING & DEVELOPMENT

12 DEC 2024

Yours faithfully,
DEVELOPMENT MANAGEMENT


A/Principal Building Surveyor.

BARDAS CHORCAÍ - CORK CORPORATION
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 to 1983

NOTIFICATION OF DECISION TO GRANT

~~OUTLINE PERMISSION~~ / **PERMISSION** / ~~APPROVAL~~

SUBJECT TO / ~~WITHOUT~~ CONDITIONS UNDER SECTION 26 OF THE ACT OF 1963

To: Sr. Paula,
Provincial,
Sisters of the Infant Jesus,
c/o Brian Brennan, 63, Nutley Road,
Dublin 4.

Reference No. in
Planning Register T.P. 14 218/88

CORK CITY COUNCIL
PLANNING & DEVELOPMENT

Application
Received: 14/3/88 2 DEC 2024

In pursuance of the powers conferred upon them by the above-mentioned Act, the Cork Corporation have

by order dated 14/5/88 decided to grant

~~OUTLINE PERMISSION~~ / **PERMISSION** / ~~APPROVAL~~

for the development of land, namely:-

Alterations and extension for provision of accommodation for disabled and elderly
at St. Joseph's Model Farm Road for the Sisters of the Infant Jesus
In accordance with plans and particulars submitted on 14/3/88

Subject to the conditions set out in Column 1 of attached Schedule, the reasons for the imposition of such conditions are set out in Column 2 of said Schedule.

If there is no appeal against the said decision, a grant of

~~OUTLINE PERMISSION~~ / **PERMISSION** / ~~APPROVAL~~

in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bórd Pleanála (see footnote).

It should be noted that until a grant of

~~OUTLINE PERMISSION~~ / **PERMISSION** / ~~APPROVAL~~

has been issued the development in question is NOT AUTHORISED.

N.B.-This permission is subject to

11 No. condition(s)

Signed on behalf of the Corporation of Cork

Date: 14/5/88

Staff Officer, Planning Department

NOTE 1: An appeal against a decision of a planning authority under Section 26 of the Act of 1963 may be made to An Bórd Pleanála. An appeal shall be made in writing and shall state the subject matter of the appeal and the grounds of the appeal. An appeal by the applicant for permission should be accompanied by this form. In the case of an appeal by any other person, the name of the applicant, particulars of the proposed development and the date of the decision of the planning authority should be stated.

A fee of £10 must accompany each appeal to An Bórd Pleanála.

Submission Fee £10

The applicant for permission may appeal within one month beginning on the day of receipt by him of the decision. Any other person may appeal within three weeks beginning on the date of the decision.

Appeals should be addressed to: An Bórd Pleanála, Floor 3, Block VI and VII, Irish Life Centre, Lr. Abbey Street, Dublin 1.

NOTE 2: Grant of permission under the Local Government (Planning & Development) Act, 1963, is not to be taken as a waiver of the provisions of any Building Bye-Law, Local Act, Order, Regulation or any other Statutory Provision in force in the Cork County Borough. Approval under the Corporation's Bye-Laws should also be obtained in addition to the Planning Permission.

NOTE 3: Please ensure that the requirements of the Chief Fire Officer are complied with.

Watermans

Bardas Choreai Cork Corporation



CITY HALL
CORK

Tel. 021-966222/966017

Ref

Schedule of conditions attached
to Planning Permission issued by
the Cork Corporation - T.P. 14,218/88

Column 1. CONDITIONS

1. All trees along the boundaries to the site shall be retained in the proposed development and shall be adequately protected where necessary during construction work. No trees within the site shall be lopped or felled without the prior written consent of the Planning Authority.
2. The front boundary wall shall be set back to the line of the front boundary of the adjoining garage to the west. This wall shall be 1 metre high and be properly capped and dashed.
3. Revised entrance details providing for a 5 m x 50 m sight triangle taken from the kerb edge in both directions shall be submitted to and be to the satisfaction of the Planning Authority prior to development. The existing entrance shall be permanently closed off once this new entrance is opened.
4. Widening of footpath in front of the new set back line shall be carried out by the applicants to the satisfaction of the Planning Authority.
5. Alterations required to existing public footpath at the existing and proposed entrances shall be carried out by Cork Corporation at the applicants expense.
6. Prior to development details of proposed car parking layout to accommodate 15 No. car spaces shall be submitted to and be to the satisfaction of the Planning Authority.

Column 2. REASONS FOR CONDITIONS

1. In the interests of the amenities of the area.
2. In the interests of the proper planning and development of the area.
3. In the interests of traffic safety.
4. In the interests of the proper planning and development of the area.
5. In the interests of pedestrian and traffic safety.
6. To ensure an adequate provision of on-site car parking facilities to service the development.

Bardas Chorcaí Cork Corporation



CITY HALL
CORK

Tel.021-966222/966017

Ref

Column 1. CONDITIONS

7. Prior to commencement of development the developer shall make a contribution to Cork Corporation towards the costs of road improvement works in the area facilitating the proposed development. The present value of the contribution is £1000. The amount payable will be determined by the Consumer Price Index prevailing at the date of payment.

8. Prior to development landscape proposals for the site shall be submitted to and be to the satisfaction of the Planning Authority.

9. Drainage of the proposed development shall be on a separate system as far as the site boundary as shown on the submitted drawings and then taken in a single pipe to the existing 15" sewer in Model Farm Road.

10. Prior to commencement of development the developer shall pay a contribution to Cork Corporation towards the cost of drainage works which facilitate the proposed development. The present value of the contribution is £2,409.93. The amount payable will be determined by the Consumer Price Index prevailing at the date of payment subject to:

(a) Where the proposed works are not commenced within seven years of completion of the development, the Planning Authority shall return the contribution.

(b) Where the proposed works are within the said period, carried out in part only or in such manner as to facilitate the development to a lesser extent, the Planning Authority shall return a proportionate part of the contribution.

(c) The Planning Authority shall pay interest on the contribution as long as and in so far as it is retained unexpended by the Local Authority.

Column 2. REASONS FOR CONDITIONS

7. Road improvements in the area carried out by Cork Corporation will facilitate the proposed development.

8. In the interests of the amenities of the area.

9. In the interests of public health.

10. The Cork Drainage Works will facilitate the proposed development.

Bardas Chorcaí Cork Corporation



CITY HALL
CORK

Tel.021-966222/966017 . Ref

Column 1. CONDITIONS

11. A 150mm diam. ductile iron watermain shall be taken from the 8" Corporation watermain on Model Farm Road and laid along the proposed driveway to within 15 metres of the building where it shall terminate in a fire hydrant. A sluice valve shall be fitted on the proposed 150 mm main near its branch with the 8" main.

Column 2. REASONS FOR CONDITIONS

11. To ensure an adequate water supply to service the development in the interests of Public Health and safety.

**COMHAIRLE CATHRACH CHORCAI - CORK CITY COUNCIL
LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS**

1963-2000

NOTIFICATION OF A GRANT OF

**OUTLINE PERMISSION/PERMISSION/APPROVAL
UNDER SECTION 26 OF THE ACT**

To: Sister Paula Provincial,
Sisters of Infant Jesus,
St. Joseph's,
Model Farm Road,
Cork

Reg. No. T.P. 14218/88

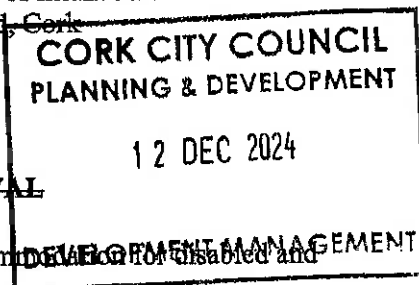
**Application
Received 14/03/88**

Application by - Sister Paula Provincial Sisters of Infant Jesus
of St. Joseph's, Model Farm Road, Cork

FOR:-

OUTLINE PERMISSION/PERMISSION/APPROVAL

FOR Alterations and extension for provision of accommodation for disabled and elderly



AT St. Joseph's, Model Farm Road, Cork

Further to notification of decision to grant dated 04/05/88

the Cork City Council hereby conveys a grant of

OUTLINE PERMISSION/PERMISSION/APPROVAL

for the development/retention described subject to the conditions (if any) set out in the said notification.

Signed on behalf of the City Council of Cork

Date 13/06/88

P.P Eoghan Fahy
Staff Officer, Planning & Development

Bardas Chorcai Cork Corporation

OFFICIAL RECEIPT
NO.0307699

PLANNING CONTRI

RECEIPT NO.: 307699
DATE: 11.10.88

RECEIVED FROM:

RE:

SR PAULA
SISTERS OF INFANT JESUS
ST JOSEPHS
MODEL FARM RD

ACCOUNT NO. : 0142186

PERIOD :

AMOUNT PAID : £3409.93

CHEQUE

NEW BALANCE : £17.73

With Thanks,
KATHLEEN LYNCH, COLLECTOR. Per ADM

Bardas Chorcqi Cork Corporation



CITY HALL
CORK

Tel. 021-966222/966017
Telex Cork EI 75500

Ref MM/CS

Sr. Killian O'Donoghue,
Provincial Bursar,
Sisters of the Infant Jesus,
Drishane Convent,
Millstreet,
CO. CORK.

14th October, 1988

Re: T.P. 14,218 - Alterations and provision of accommodation
for elderly at St. Joseph's, Model Farm Road, Cork.
Planning Contributions

Dear Sister,

I acknowledge receipt of your remittance of £3409.93 in relation to the planning contributions levied under the above permission.

I wish to inform you that a balance of £17.73 remains outstanding due to C.P.I. increases (as per Condition 7). Please let me have your remittance of same to clear this account.

I enclose receipt no. 307699.





WATERMAN CONSULTING ENGINEERS

4 UNION QUAY,
CORK. T12 C7VK.

Email : @watermans.ie
Website : www.watermans.ie

**CERTIFICATE OF OPINION OF COMPLIANCE OF ERIC WATERMAN BE
CEng MIEI
OF
WATERMAN CONSULTING ENGINEERS**

OUR REFERENCE: EW9612

OUR CLIENT: INFANT JESUS SISTERS

PROPERTY: ST JOSEPHS, MODEL FARM ROAD, CORK CITY

**CORK CITY COUNCIL
PLANNING & DEVELOPMENT**

12 DEC 2024


I, Eric Waterman BE CEng MIEI, of Waterman Consulting Engineers, 4 Union Quay in the City of Cork **HEREBY CERTIFY** as follows:-

1. I am the principal in the above-mentioned Company and I am a Consulting Engineer, being a member of the Institution of Engineers of Ireland.
2. My said firm are the Engineers retained by Infant Jesus Sisters to inspect the premises situated at St Josephs, Model Farm Road, Co. Cork.
3. The Grant of Permission/Approval dated 04/05/1988 Planning Reference No. 14,218/88 relates to the Relevant Works.
The Grant of Permission/Approval dated 18/08/1986 Planning Reference No. 13,126/86 relates to the Relevant Works.

4. I confirm that the relevant works have been inspected by me on this 2nd November 2021 and in my opinion the development of same complies substantially with the Grant of Permission mentioned in paragraph 3 above, on the basis of the planning documentation supplied by the client and the absence of Planning drawing in the Planning file.
5. I confirm no works have been carried out on the property for which planning permission would have been required and which was not sought since the completion of the works relating to 14,218/88.
6. I am of the opinion that the construction of the relevant works as is evident by visual inspection only and are in compliance with all the said Building regulations and Fire Safety requirements set out under the Fire Services Act 1981.
7. In the event that the relevant works or any of them have not been laid out exactly in accordance with the said Planning Permission, any disparity is unlikely to affect the planning and development of the area as envisaged by the Planning Authority and expressed through the above Planning Permission.
8. **TAKE NOTE**, that this Certificate is issued solely with a view to providing evidence for title purposes of the compliance of the Relevant Works with the requirements of Planning Legislation and of the Planning and Development Act, 1967, and if any applicable regulations thereunder except insofar as it relates to compliance with the said requirements or regulations, it is not a report or survey on the physical condition or of the structure of the relevant works **NOR** does it warrant or represent or take into account any of the following matters:-
 - (a) The accuracy of dimensions in general, save where arising out of the conditions of the permission/approval or the Building Regulations aforesaid
 - (b) Matters in respect of private rights and obligations
 - (c) Development of the relevant works, which may occur after the date of issue of this Certificate.

DATED ON THIS 24TH JANUARY 2022

SIGNED:




ERIC WATERMAN,
BE CEng MIEI
WATERMAN CONSULTING ENGINEERS



WATERMAN CONSULTING ENGINEERS

4 UNION QUAY,
CORK. T12 C7VK.

Email : @watermans.ie
Website : www.watermans.ie

Our Ref: EW9612

OUR CLIENT: INFANT JESUS SISTERS

PROPERTY: ST JOSEPHS, MODEL FARM ROAD, CORK CITY

**CORK CITY COUNCIL
PLANNING & DEVELOPMENT**

12 DEC 2024


DEVELOPMENT MANAGEMENT

DECLARATION OF IDENTITY

I, Eric Waterman BE CEng MIEI., of Waterman Consulting Engineers, 4 Union Quay, in the City of Cork, aged 18 years and upwards, do SOLEMNLY AND SINCERELY DECLARE as follows:-

1. This Declaration relates to the property comprised in Folio CK1045F of the register of Freeholders and City of Cork being the property outlined in red on the accompanying maps (hereinafter called "the property")
2. I am familiar with the said Property outlined in red on the attached Map.
3. I confirm that the boundaries to the property correspond with the boundaries as delineated on File Plan Folio CK10425F Cork City attached hereto.
4. I confirm that the dwelling house and all outhouses are completely comprised within the confines of File Plan Folio CK10425F County Cork
- 5.
6. I make this Solemn Declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1938.

DECLARED before me by


Eric Waterman
BE CEng MIEI

31/FEB/24
Date

And I know the Deponent.

**STATUTORY DECLARATION OF
REGISTERED OWNER Re; Planning, Extensions and Alterations.**

COUNTY CORK

FOLIO CK10425F


I, Sister Mary Fahy of Bellevue, Mallow, in the County of Cork, aged eighteen years and over, hereby confirm that I am the sole surviving registered owner of the property comprised in Folio CK10425F of the Register County of Cork situate at "St Josephs", Model Farm Road, Cork.

HEREBY CONFIRM as follows: -

1. The property herein was constructed/developed prior to 1964.
2. That no enforcements or warning notices have issued since we acquired the property.
3. That there have been no extensions, additions, or alterations made to the said property which would have required planning permission, or which are exempted developments which require compliance with the Building Regulations since that of Planning Application Reference 14218/88.

DECLARED before me a Practising
Solicitor by **Sister Mary Fahy**
who are personally
known to me or have been identified to me
by Caitriona Lanigan Solicitor
who is personally known to me
at West End, Mallow County of Cork
this 20th day of April 2022.


Sister Mary Fahy


Practising Solicitor

**CORK CITY COUNCIL
PLANNING & DEVELOPMENT**

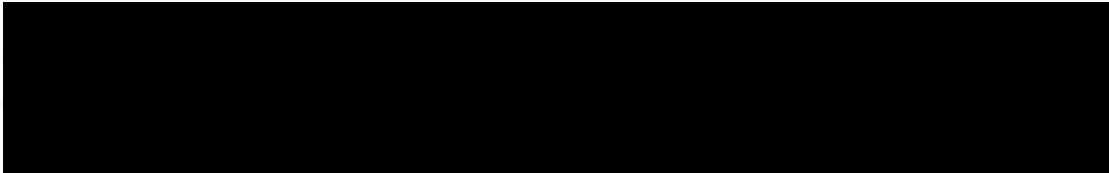
12 DEC 2024

DEVELOPMENT MANAGEMENT

I, Michael Kiely, Engineer, of Currabeg, Ovens in the County of Cork, aged 21 years and upwards make oath and say as follows;

- 1 I am the engineer retained by Dermot and Elizabeth O'Regan in connection with the application for a retention order in relation to the garage structure erected on the premises at St Joseph's, Model Farm Road, Cork.
- 2 Full planning permission register reference No TP 13126/86 dated the 20th day of October 1986 has issued in relation to the said garage structure and there are no conditions in the said permission.
- 3 The said garage structure complies with the building bye-law regulations as were in force at the time of construction.
- 4 I make this solemn declaration, conscientiously believing the same to be true for the benefit of Catherine Golden and others who have purchased the premises known as St Josephs, Model Farm Road, Cork from Dermot and Elizabeth O'Regan.

SWORN this ^{23rd} day of *October* 1986
at *16 South Mall* in the County of *Cork*
before me a Commissioner for Oaths
in the aforesaid county and I know
the Deponent.



COMMISSIONER FOR OATHS

PLANNER'S REPORT Ref. R 890/24		Cork City Council Development Management Section
Application type	Section 5 Declaration	
Description	<i>Whether the temporary change of use of the former St. Josephs Convent, Model Farm Road to residential accommodation for International Protection Applicants is or is not exempted development.</i>	
Location	Former St. Josephs Convent, Model Farm Road	
Applicant	Lyonshall Limited.	
Date	16/06/2025	

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 as follows in Q3 of the application form:

'Whether the change of use of the former St. Joseph's Convent on Model Farm Road to residential accommodation for International Protection Applicants is or is not exempted development.'

3. Site Description

The application relates to a structure located on the Model Farm Road which lies directly to the east of the Lee Garage petrol station site.

4. Planning History

- 2327A/70: Outline permission granted for the development of a 50,000 sq.ft. hotel (100 beds no function room) (not enacted).
2525/70: Outline permission granted to develop a shopping centre (not enacted).
3804/72: Outline permission granted to develop a 3 storey office development (not enacted).
4143/73: Permission granted for the erection of three storey offices (not enacted).
4674/74: Permission refused for the conversion of St. Joseph's to offices.
13126/86: Permission granted for retention of a garage and kitchen extension.
13864/87: Application for alterations withdrawn.
14218/88: Permission granted for alterations and extension for provision of accommodation for disabled and elderly.
23/42499: Permission refused for the demolition of the former St. Joseph's convent to provide for the construction of a 450 bed Purpose-Built Student Accommodation development.
24/43455: Current application for the demolition of the former St. Joseph's convent to provide for the construction of a 408 bed Purpose-Built Student Accommodation development (Validation stage).

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 below).

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 5(1)**

" 'excluded premises' means—

(a) any premises used for purposes of a religious, educational, cultural, recreational or medical character,

(b) any guest house or other premises (not being a hotel or a hostel) providing overnight guest accommodation, block of flats or apartments, club, or boarding house, or

(c) any structure which was designed for use as one or more dwellings, except such a structure which was used as business premises immediately before 1 October, 1964 or is so used with permission under the Act;"

" 'protected person', for the purposes of Schedule 2, means—

(a) a person who has made an application to the Minister for Justice and Equality under the Refugee Act of 1996 or the Subsidiary Protection Regulations 2013 (S.I. No. 426 of 2013),

(b) a person who falls to be considered or has been considered under section 3 of the Immigration Act of 1999, or

(c) a programme refugee within the meaning of section 24 of the Refugee Act of 1996;"

Article 6 (1)

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9 (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,

(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.'

Schedule 2, Part 1 Exempted Development Class 14 (inserted by Article 4 of S.I. No. 582/2015 Planning and Development (Amendment) (No. 4) Regulations 2015)

Column 1 Description of Development

14 (h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons,

(i) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and

(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.

Column 2 Conditions and Limitations

Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.

Schedule 2, Part 1 Exempted Development Class 20F

S.I. No. 605 of 2022 Amendment of Part 1 of Schedule 2 to Planning and Development Regulations 2001

Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) was amended by inserting the following class after Class 20E:

CLASS 20F	
Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support persons seeking international protection of any structure or part of a structure used as a school, college, university training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.	<p>1. The temporary use shall only be for the purposes of accommodating persons seeking international protection.</p> <p>2. The use shall be discontinued not later than 31 December 2024.</p> <p>3. The relevant local authority shall be notified of locations where change of use is taking place prior the commencement of that change.</p> <p>4. 'international protection', for the purpose of this class, has the meaning given to it in section 2 (1) of the International Protection Act 2015 (No. 66 of 2015).</p>

SI 376/2023 Planning and Development (Exempted Development) No. 4 Regulations 2023

This amended the exemption provided by S.I. 605 of 2022 as follows with a revised end date (from 31st December 2024 to 31st Dec 2028).

Column 1	Column 2
Description of Development	Conditions and Limitations
<p>CLASS 20F</p> <p><i>Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.</i></p>	<p>1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.</p> <p>2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001².</p> <p>3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.</p> <p>4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.</p> <p>5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.</p> <p>6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.</p> <p>7. 'international protection', for the purpose of this class, has the meaning given to it in <u>section 2(1) of the International Protection Act 2015 (No. 66 of 2015)</u>.¹</p>

¹ international protection" means status in the State either—

(a) as a refugee, on the basis of a refugee declaration, or

(b) as a person eligible for subsidiary protection, on the basis of a subsidiary protection declaration;

8. ‘temporary protection’, for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.”
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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.’.

No details of the permitted and proposed internal layout have been submitted – it is not clear how many persons were accommodated in the former convent or current/future accommodation levels – further detail in this regard is required.

6.2 Exempted development

The question presented to the Planning Authority is:

Whether the temporary change of use of the former St. Josephs Convent, Model Farm Road to to residential accommodation for International Protection Applicants is or is not exempted development.

The proposed use of the subject site is for the temporary use to accommodation for International Protection Applicants. The current use is as accommodation for Displaced Persons from the Ukraine (covered under SI 306 of 2022).

It appears that the structure on site was originally constructed as a dwelling house – various permissions were sought to develop the site (as a shopping centre/offices) but it seems that none were enacted. In 1986 an application was made by a Denis O’Regan to retain an extension and a garage (file not available). In 1988 an application was submitted in the name of Sr. Paula,

Provincial, Sisters of the Infant Jesus for the following development: *'alterations and extension for provision of accommodation for disabled and elderly at St. Josephs Model Farm Road for the Sisters of the Infant Jesus'* (Ref: 14218/88) (file not available). Permission was granted in accordance with 10 conditions including Conditions 2-6 which stated as follows:

2. The front boundary wall shall be set back to the line of the front boundary of the adjoining garage to the west. This wall shall be 1 metre high and be properly capped and dashed.

3. Revised entrance details providing for a 5 m x 50 m sight triangle taken from the kerb edge in both directions shall be submitted to and be to the satisfaction of the Planning Authority prior to development. The existing entrance shall be permanently closed off once this new entrance is opened.

4. Widening of footpath in front of the new set back line shall be carried out by the applicants to the satisfaction of the Planning Authority.

5. Alterations required to existing public footpath at the existing and proposed entrances shall be carried out by Cork Corporation at the applicants expense.

6. Prior to development details of proposed car parking layout to accommodate 15 No. car spaces shall be submitted to and be to the satisfaction of the Planning Authority.

2. In the interests of the proper planning and development of the area.

3. In the interests of traffic safety.

4. In the interests of the proper planning and development of the area.

5. In the interests of pedestrian and traffic safety.

6. To ensure an adequate provision of on-site car parking facilities service the development.

It is not known whether this permission was enacted however the conditions requiring set back of the front boundary and widening of the footpath and relocation of the entrance do not appear to have been complied with.

The structure was described as a former nursing home/20 bedroom care home in an article in the Examiner dating when put on the market in early 2022.

It was described as a convent/nursing home for retired or visiting nuns from abroad and as a base for local community work in a Parish Newsletter – see extract from internet search below:

St. Josephs, Model Farm Road, at the very heart of Holy Spirit Parish, continues the tradition of mission awareness and internationality. The house serves as a nursing home and place of rest-care for Infant Jesus Sisters, many of whom have worked in ministry abroad and maintain close ties with their places of mission. Sisters home on leave also find here a warm welcome and a place in which to regain their strength and 'rest a while'. An active group of Sisters with the help of a dedicated staff, both nurses and carers, looks after the running of the house and ministers to those in need of care, while fostering links with the surrounding parishes through their involvement in community building, music ministry and language teaching to immigrants. The most vital link, however, is the prayer ministry of all the Sisters, who see themselves as actively supporting, and being supported by, the priests and parishioners of Ballineaspig Parish.

A convent use lies within Use Class 7 within Part 4 (Exempted Development – Classes of Use).

A nursing home currently lies within Class 9:

Use –

- (a) For the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),
- (b) as a hospital or nursing home,
- (c) as a residential school, residential college or residential training centre.

Neither of these uses are specifically mentioned under Class 20F of the Exempted Development Regulations. The submitted Cover Letter states that *'the previous and permanent use if (sic) the building is as 'accommodation for the disabled and the elderly' permitted by Cork City Council Ref: 88/14218...It is considered that this use is compatible with 'medical and other health and social care accommodation', uses as categorised in Class 20F of S.I.376/2023..'*

The existing structure is a part two storey part single storey structure and is some 9,000 sq.m. in area. As no floorplans are available for the 1986 or 1988 permission the planning status of the use/structure is not clear. It is not clear whether the 1988 permission was ever enacted and if it was whether conditions were complied with as it is noted the front boundary line was not set back to match the garage boundary for instance. It is also not clear as to whether the entire structure was to be used for the purposes granted permission under 88/14218 or whether it was partly in use as a convent/other use. Floorplans of the existing structure were not included in the recent L.R.D. application on site. It is considered that Further Information is required to establish the planning status of the structure.

6. ENVIRONMENTAL ASSESSMENT

6.1 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.

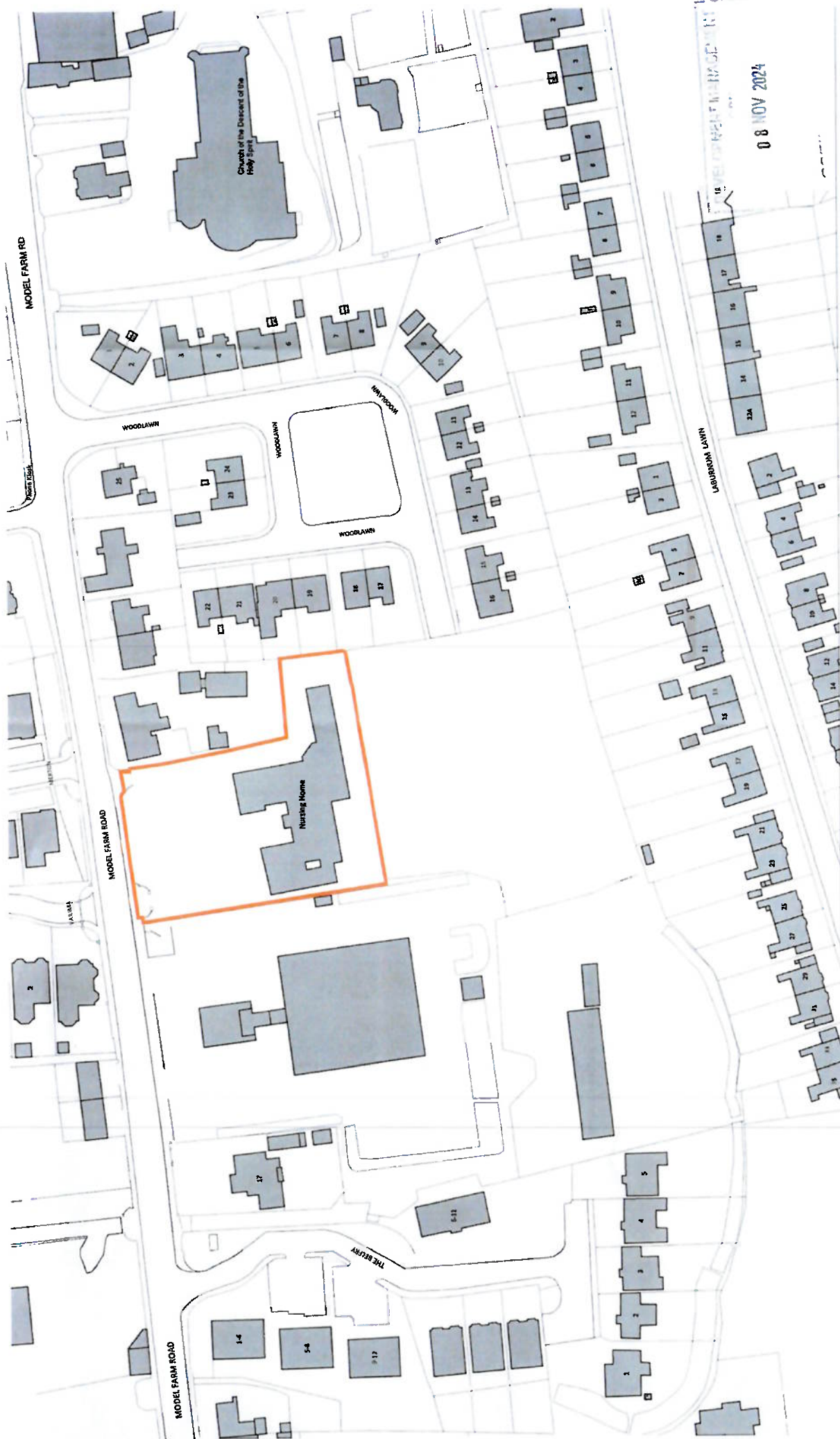
6.2 Screening for Appropriate Assessment

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.

7. RECOMMENDATION

It is recommended that the following Further Information be sought as follows:

- 1 Please clarify the planning status of the entire structure having regard to the number of extensions/alterations which have occurred on site and the previous use. The Planning Authority notes that the former use of the structure appears to have been as a convent/nursing home/care home for retired/elderly nuns/visiting nuns. Planning application T.P. 88/14218 is noted however it is not clear whether this was enacted as conditions do not appear to have been complied with – in particular Conditions 2-6. Please clarify if this grant of permission was enacted. Please submit any available floor plans/compliance details from the time of this application as these are not available to the Planning Authority. Please clarify whether T.P. 88/14218 related to a part of the structure or the entirety of same and clarify the area which was extended under that permission. It is also noted that permission was granted under T.P. 86/13126 for the retention of a garage and kitchen extension (applicant Dermot O'Regan) – please clarify the extent of the current structure to which this application relates and whether additional structures were constructed side from those permitted under 88/14218 and 86/13126.
 - 2 Please submit floorplan drawings of the structure prior to its current use – please clarify the number of residents on site at that time.
 - 3 Please clarify what works (internal/external) were carried out on site since the cessation of the former use including current floor plans and details of the number of bedrooms/persons living in the structure and whether this will increase/change under the current proposal and whether floorplans will change.
-



Site Location Map - Section 5 Submission

Application site outlined in red

OS MAP REF: 6382-16; 6382-17; 6382-21; 6382-22
Copyright Ordnance Survey Ireland and Government of Ireland
Ordnance Survey Ireland Licence no. CYAL50378517
OS map amended to match topographical survey of site by Precise Control

All dimensions in millimeters.
All levels (in metres) are related to Malin Head datum.

Revision Description	Date	Rev. No.	Issued by
Section 5, Subdivision	07-11-2004	P01	AK

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The Property
Registration Authority
An tÚdaráis
Cláracháin Mairbhne

Folio: CK10425F

This map should be read in conjunction with the folio.

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(centre-line of parcel(s) edged)

Freehold

Leasehold

Sub-Leasehold

Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Pump

Septic Tank

Soak Pit

A full list of burdens and their symbology can be found at:
www.landdirect.ie

The registry operates a

non-conclusive boundary system.

The Registry Map identifies properties

not boundaries meaning neither the

description of land in a register nor its

identification by reference to a

registry map is conclusive as to the

boundaries or extent. (see Section 85 of

the Registration of Title Act, 1964). As

inserted by Section 62 of the Registration of

Deeds and Title Act 2006.



1:1000 Scale

Page 3 of 5



Index

RESISTANCE CODE	01
MM LCPADRE	23
EXTRACT CODE	02

**CORK CITY COUNCIL
PLANNING & DEVELOPMENT
12 DEC 2024
DEVELOPMENT MANAGEMENT**

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