



Comhairle Cathrach Chorcaí Cork City Council

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

Aoife Byrne,
St. Anne's Day Nursery,
Sharman Crawford Street,
Cork.

23/08/2023

RE: Section 5 Declaration R790/23 St. Anne's Day Nursery,
Sharman Crawford Street, Cork City.

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 27th June 2023, and further information received 01st August 2023, I wish to advise as follows:

The Planning Authority considers that the operation of a preschool use comes under the definition of a school in that a preschool provides "early childhood education". Having regard to the established and existing use of this building as a school, *the increase in preschool numbers from 19 to 22* would not constitute a material change of use and would therefore be

EXEMPTED DEVELOPMENT.

Under Section 5(3)(a) of the Planning and Development Act, 2000, you may, on payment of the appropriate fee, refer this declaration for review by An Bord Pleanála within 4 weeks of the date it is issued, 23rd August 2023.

Is mise le meas,

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



We are Cork.

1790/23

To be read in conjunction with the previous planning report dated 18/07/2023 which requested further information detailed below.

FURTHER INFORMATION REQUESTED

1. Please submit a site layout map which shows the full extent of the buildings and structures on site, and which outlines the footprint of the pre-school facility in question in red to clearly identify where it is located.
2. In order to determine whether the increase in numbers is exempt or not, the Planning Authority requires information regarding the previous use of the structure in question. Please state the previous use of the structure prior to its conversion to the current pre-school facility; and submit a ground floor plan of it is its previous use.
3. Please clarify if any works have been undertaken affecting the original structure facilitate the current pre-school facility.
4. It is noted that existing floor plans and proposed floor plans have been submitted. Please re-submit these detailing clearly exactly what works are being proposed. These works should be colour coded on the plans and elevations. A written statement detailing the works should also be submitted.

RESPONSE TO FURTHER INFORMATION

A response to the Further Information was received by the Planning Authority on 01/08/2023. This is in the form of a cover letter and an accompanying photocopied (not to scale) layout of the childcare facility itself.

1. No site layout has been submitted.
2. No details as to the previous use of the structure prior to its conversion have been submitted.
3. And 4: Applicant states that no works are being done for the children to attend.

PLANNING ASSESSMENT

It appears that the structure/room was in previous use as a school. The question before the Planning Authority is whether an increase from 19 to 22 pre-school children is exempt. Applicant has detailed that no works are being proposed.

Assessment and Conclusion

It is considered that the operation of a preschool use comes under the definition of a school in that a preschool provides "early childhood education". Having regard to the established and existing use of this building as a school, the increase in preschool numbers from 19 to 22 would not constitute a material change of use and would therefore be exempted development.



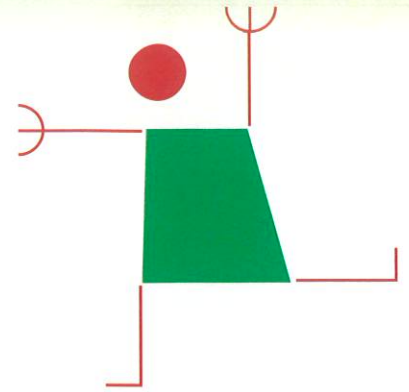
Mary Doyle
Executive Planner
22/08/2023

St. Anne's Day Nursery CLG

Sharman Crawford Street, Cork.

Tel: 021 4323304

E-mail: manager@stannedaynursery.ie
supervisor@stannedaynursery.ie



Dear Kate,

As per my Section 5 declaration R790/23 please see attached current layout of the building. As the new government funding is per child we are hoping to increase our numbers of children attending the service as we are a non profit community childcare facility in the city centre who badly needs the funding to keep the service open.

The current preschool room has 19 children with 3 staff and as the ratio is 1:11 we are increasing this room to 22 children. The baby room has had 7 1-2 year olds and we are increasing this room to 10 as the ratio is 1:5. We currently have a maximum of 49 children and looking

There is no works being done for these children to attend, we are in the square foot guidelines by Tusla but in order to increase our numbers Tusla require this section 5 declaration.

I hope this can be accepted as our waiting list is quite large as there is such a need for more childcare spaces in the city

I look forward to your reply

Kind regards

Aoife Byrne

Acting Nursery Manager



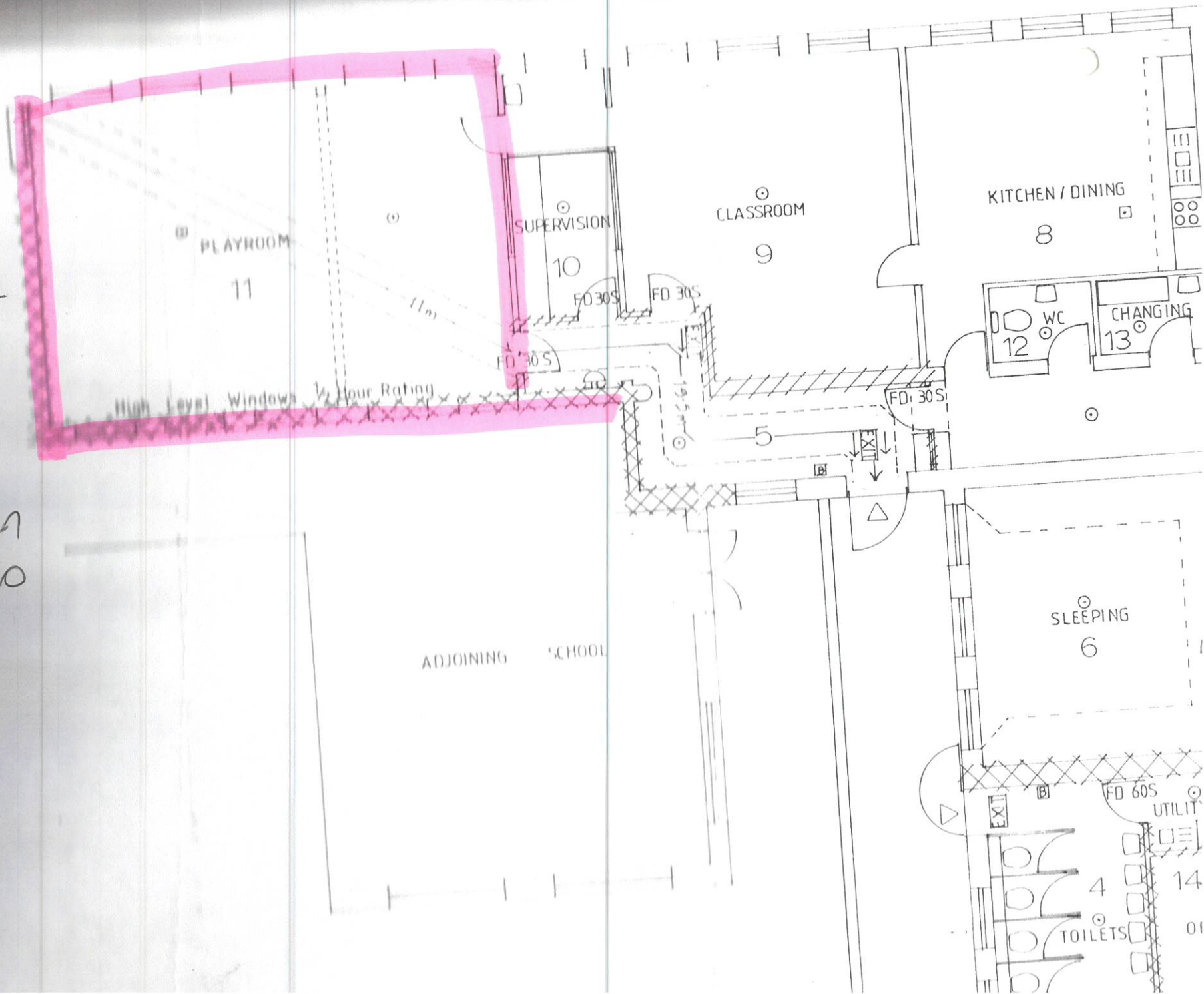
Board of Directors: Margaret Linehan *Chairperson* • Máirín Martin *Secretary* • Fr. Pat Mc Carthy • Clair O Driscoll • Helen Kelly • Christine Fitzsimons

CHY NO: 14740

Registered Charity Number (CRA): 20048839



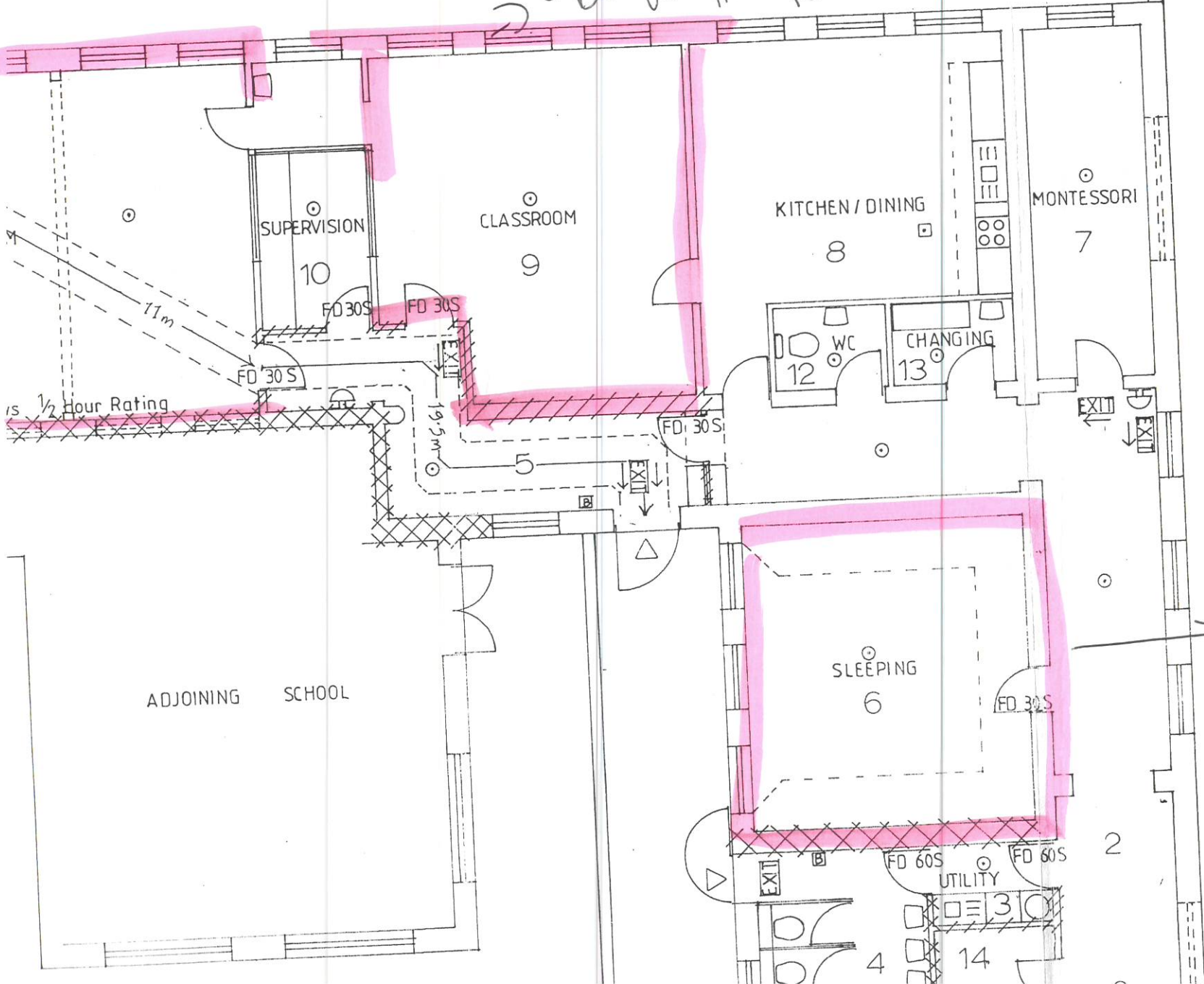
current preschool room - 19 children
increasing to 22 children
as per ratio



SCHOOL YARD

current baby room with 7 babies increasing to 10 (1-2 year olds)

- //// 30 minute Fire Rating
- XXXX 60 minute Fire Rating
- Smoke Detector
- Heat Detector
- EXIT Emergency Exit Sign
- ⊠ Break glass
- 🔔 Alarm Bell



current room de-creasy for 9 to 5

SHARMAN CRAWFORD STREET

ADJOINING SCHOOL



Comhairle Cathrach Chorcaí Cork City Council

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

Aoife Byrne,
St. Anne's Day Nursery,
Sharman Crawford Street,
Cork .

19/07/2023

RE: Section 5 Declaration R790/23 St. Anne's Day Nursery,
Sharman Crawford Street, Cork City.

A Chara,

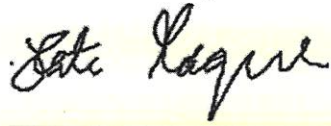
With reference to your request for a Section 5 Declaration at the above-named property, received on 27th June 2023, I wish to advise under the provisions of section 5(2)(b) of the Planning and Development Act 2000, as amended, that further information is required in order to properly assess this application.

1. Please submit a site layout map which shows the full extent of the buildings and structures on site, and which outlines the footprint of the pre-school facility in question in red to clearly identify where it is located.
2. Please state the previous use of the structure prior to its conversion to the current pre-school facility; and submit a ground floor plan of it is its previous use.
3. Please clarify if any works have been undertaken affecting the original structure facilitate the current pre-school facility.
4. It is noted that existing floor plans and proposed floor plans have been submitted. Please re-submit these detailing clearly exactly what works are being proposed. These works should be colour coded on the plans and elevations. A written statement detailing the works should also be submitted.



We are Cork.

Is mise le meas,



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



PLANNER'S REPORT Ref. R790/23		Cork City Council Development Management Strategic Planning and Economic Development
Application type	Section 5 Declaration	
Description	<i>"Increasing Numbers of children from 49 to 53"</i>	
Location	Sharman Crawford Street	
Applicant	Aoife Byrne	
Date	18/07/2023	
Recommendation	<i>Further Information to be sought.</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 Q2 of the application form:

"Increasing Numbers of children from 49 to 53".

3. Site Description

The property in question seems to be part of the historical buildings of St. Mary's of the Isle School. The site contains a number of units and it the structure has not been differentiated on any maps submitted.

4. Planning History

TP15/36352: Permission granted for change of use of an existing single storey building from a cookery to 2no. resource rooms.

TP13/35849: Permission granted for construction of new single storey entrance. Porch, reception area and 3no. new doorways to existing classrooms.

TP12/35201: Permission granted for entrance gate at Bishops Street..

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 5(1)

"school" has the meaning assigned to it by the Education Act 1998.

The Education Act 1998

"school" means an establishment which-

- (a) provides primary education to its students and which may also provide early childhood education, or*
- (b) provides post-primary education to its students and which may also provide courses in adult, continuing or vocational education or vocational training,*

but does not include a school or institution established in accordance with the Children Acts, 1908 to 1989, or a school or institution established or maintained by a health board in accordance with the Health Acts, 1947 to 1996, or the Child Care Act, 1991 ;

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,*

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

Definition of pre-school.

I note that the definition of a school is as follows:

"school" has the meaning assigned to it by the Education Act 1998.

The Education Act 1998

"school" means an establishment which-

- (a) provides primary education to its students and which may also provide early childhood education, or
 - (b) provides post-primary education to its students and which may also provide courses in adult, continuing or vocational education or vocational training,
- but does not include a school or institution established in accordance with the Children Acts, 1908 to 1989, or a school or institution established or maintained by a health board in accordance with the Health Acts, 1947 to 1996, or the Child Care Act, 1991 ;

6. ASSESSMENT**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. '.

It is considered that the operation of a preschool use comes under the definition of a school in that a preschool provides "early childhood education". It is not known what the previous use of the structure was (e.g planning history indicates that some areas were kitchens) so this first needs to be clarified.

Further to this, floor plans submitted show existing and proposed works. The extent of the works proposed have not been clearly demarcated or coloured. Extent of the structure itself should be outlined in red and the different works proposed should be colour coded. This should be accompanied by a written statement so that the Planning Authority can determine whether the works to accommodate the additional numbers need permission.

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. Conclusion

The question has been asked whether

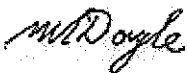
"Increasing Numbers of children from 49 to 53"

It is not clear to the Planning Authority what works (if any) have been carried out on the existing structure to facilitate the existing childcare facility; and secondly, it is not clear what works are being proposed in order to facilitate the additional numbers. Further to this, the previous use of the structure needs to be clarified.

9. RECOMMENDATION

Based on the above, it is recommended that the following further information be sought:

1. Please submit a site layout map which shows the full extent of the buildings and structures on site, and which outlines the footprint of the pre-school facility in question in red to clearly identify where it is located.
2. Please state the previous use of the structure prior to its conversion to the current pre-school facility; and submit a ground floor plan of it in its previous use.
3. Please clarify if any works have been undertaken affecting the original structure to facilitate the current pre-school facility.
4. It is noted that existing floor plans and proposed floor plans have been submitted. Please re-submit these detailing clearly exactly what works are being proposed. These works should be colour coded on the plans and elevations. A written statement detailing the works should also be submitted.



Mary Doyle
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: 021-4924709
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

AOIFE BYRNE

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

ST. ANNES DAY NURSERY
SHARMAN CRAWFORD STREET
CORK CITY

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.

Increasing numbers of children from
49 - 53

DEVELOPMENT MANAGEMENT
CCP
27 JUN 2023
CORK CITY COUNCIL

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:
(Use additional sheets if required).

No additional works needed
Changing a preschool room into a toddler room - already set up for 2 years 8 months changing to 2 years +

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

If so please supply details:

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

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority?

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

If so please supply details:

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

7. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Other <input checked="" type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question	Community based childcare setting - acting manager	
If you are not the legal owner, please state the name of the owner if available	Margaret Luncheon - Chairperson of the board of Management	

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

Signature: Aife Dwyer

Date: 27/6/25

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

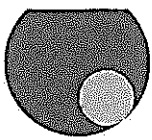
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks 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

"Cork City Council is committed to fulfilling its obligations imposed by the Data Protection Acts 1988 to 2018 and the GDPR. Our privacy statement and data protections policy is available at <https://www.corkcity.ie/en/council-services/public-info/gdpr/>.

We request that you read these as they contain important information about how we process personal data.



An tAisling
Carthanas
Charities
Regulator

St. Anne's Day Nursery Limited

Registered Charity Number (RCN): 20048839

📍 Sharman Crawford Street, Cork, Republic of
Ireland.

Status: Registered

COMPANIES REGISTRATION OFFICE NUMBER

337060

TYPE OF ORGANISATION

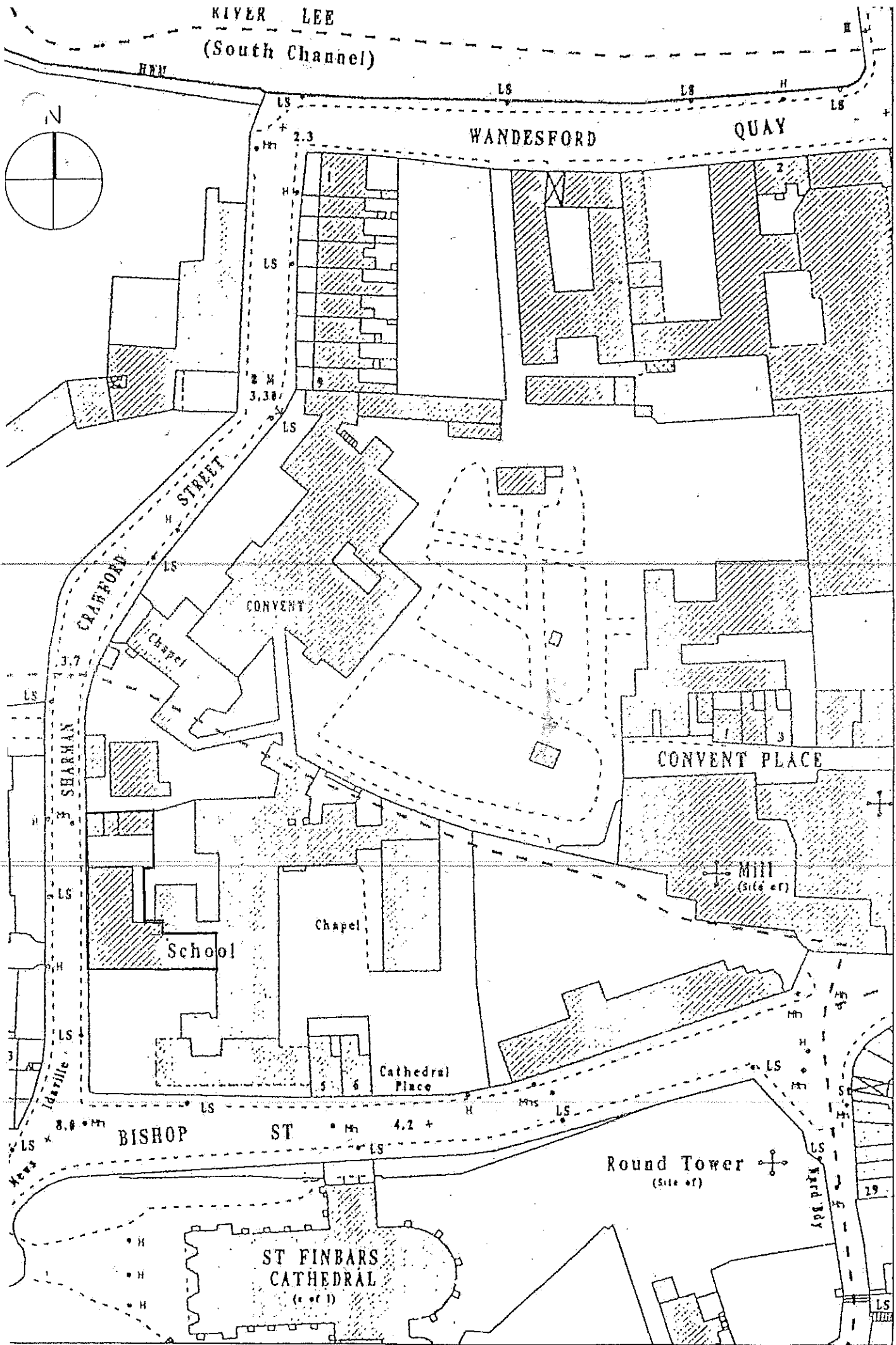
Company Limited by Guarantee

Charitable Purpose

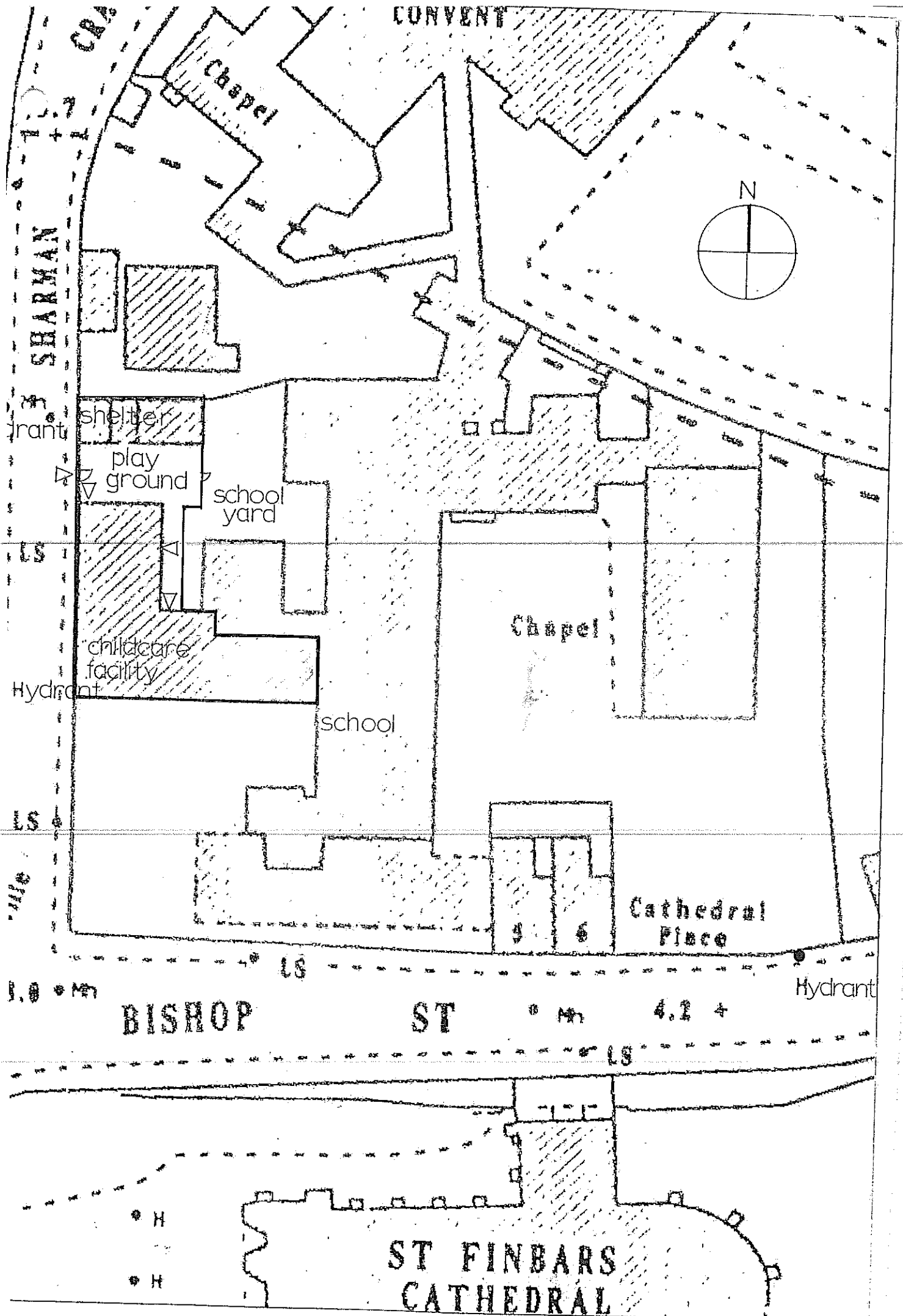
- Advancement of education

Charitable Objects

1. (a) To provide day care facilities for minors whose parents wish to engage in education or training or who need personal support and have not suitable affordable alternative daycare for their children available to them and to provide such facilities for children of parents or carers who are in receipt of Social Welfare Payment or are referred by Health Board or by Voluntary Agencies.
- (b) To develop a centre for excellence and innovation in childcare practise, to network with other providers of similar services and to lease with Government Departments and Agencies on issues affecting childcare provision and practise
- (c) To provide training opportunities to people participating in Community Employment and Job Initiatives and placements for those undertaking training in second or third level Colleges in appropriate disciplines and in particular for those who wish to further develop their knowledge of childcare.
- (d) To obtain advice and assistance from and contract as appropriate with consultants and



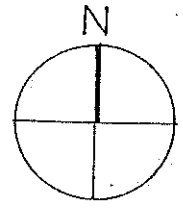
5. map no. 6382-14 1:1,000



SHARMAN

CONVENT

Chapel



Hydrant

shelter

play ground

school yard

Chapel

Hydrant

childcare facility

school

Cathedral Place

Hydrant

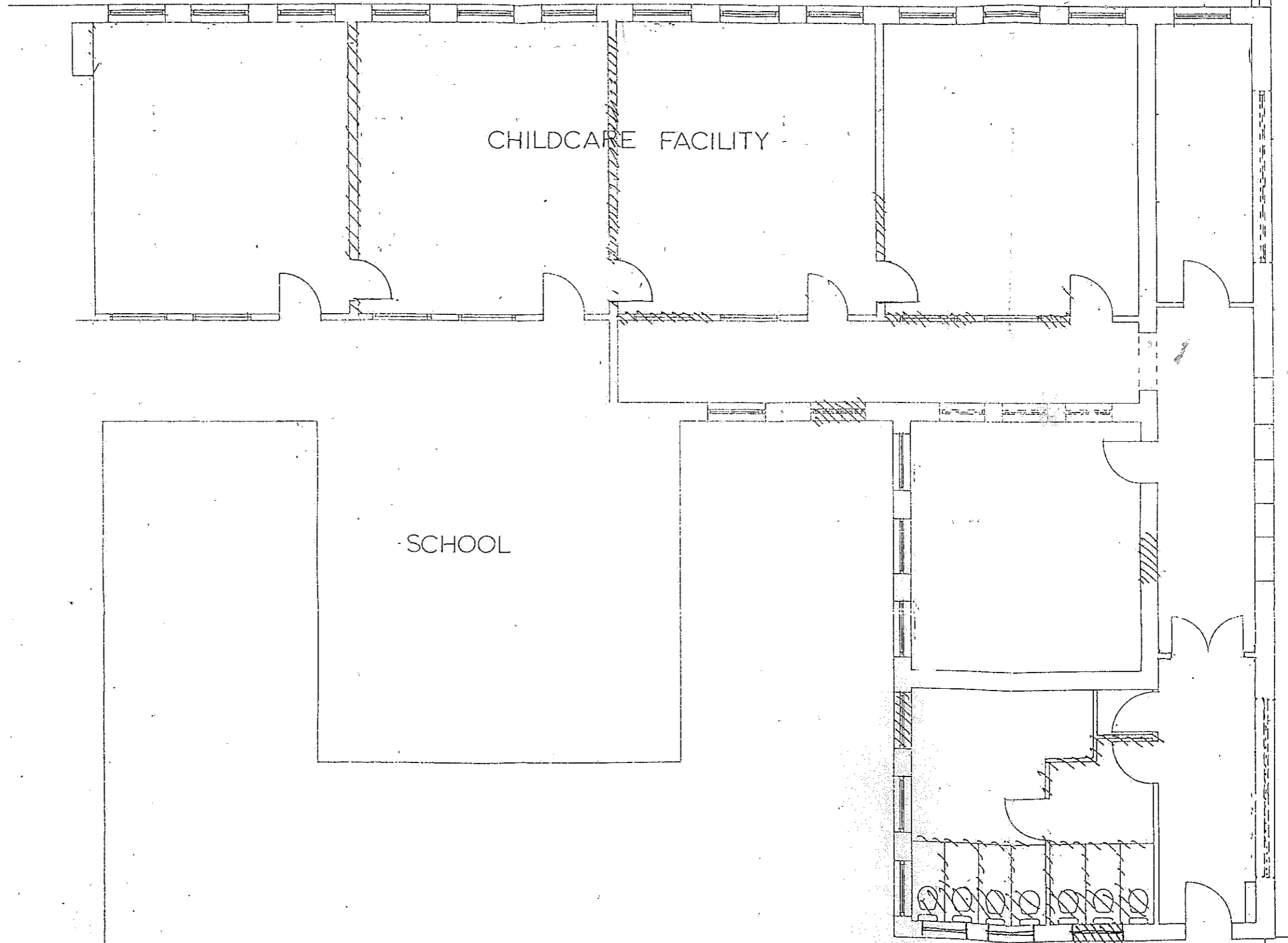
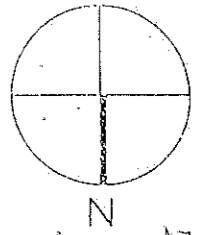
BISHOP

ST

Hydrant

ST FINBARS
CATHEDRAL

Block Plan 1:500

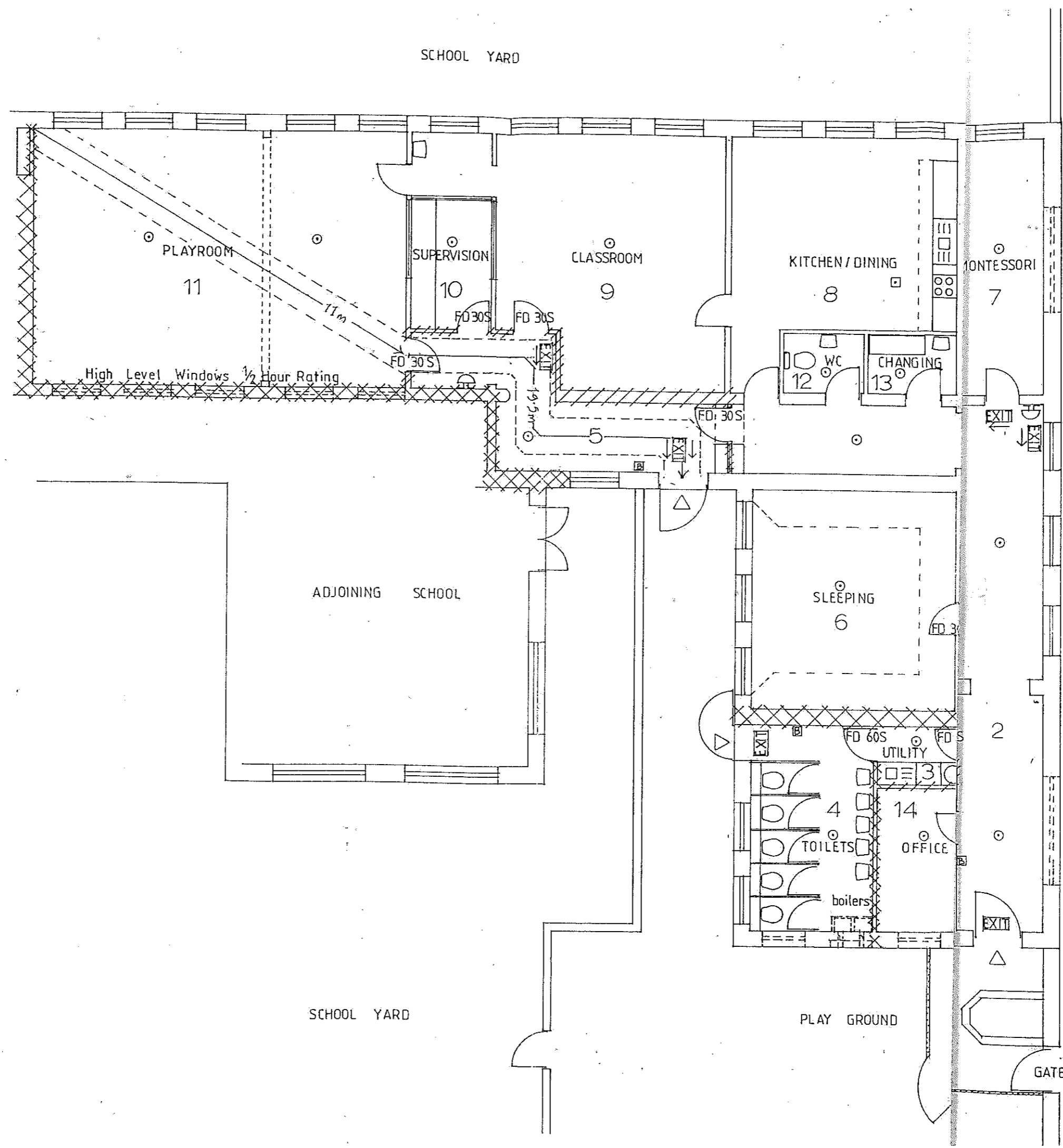
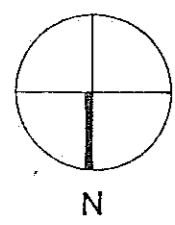


CHILD CARE FACILITY

SCHOOL

Existing Ground Floor Plan
1:100

Sharman Crawford St.

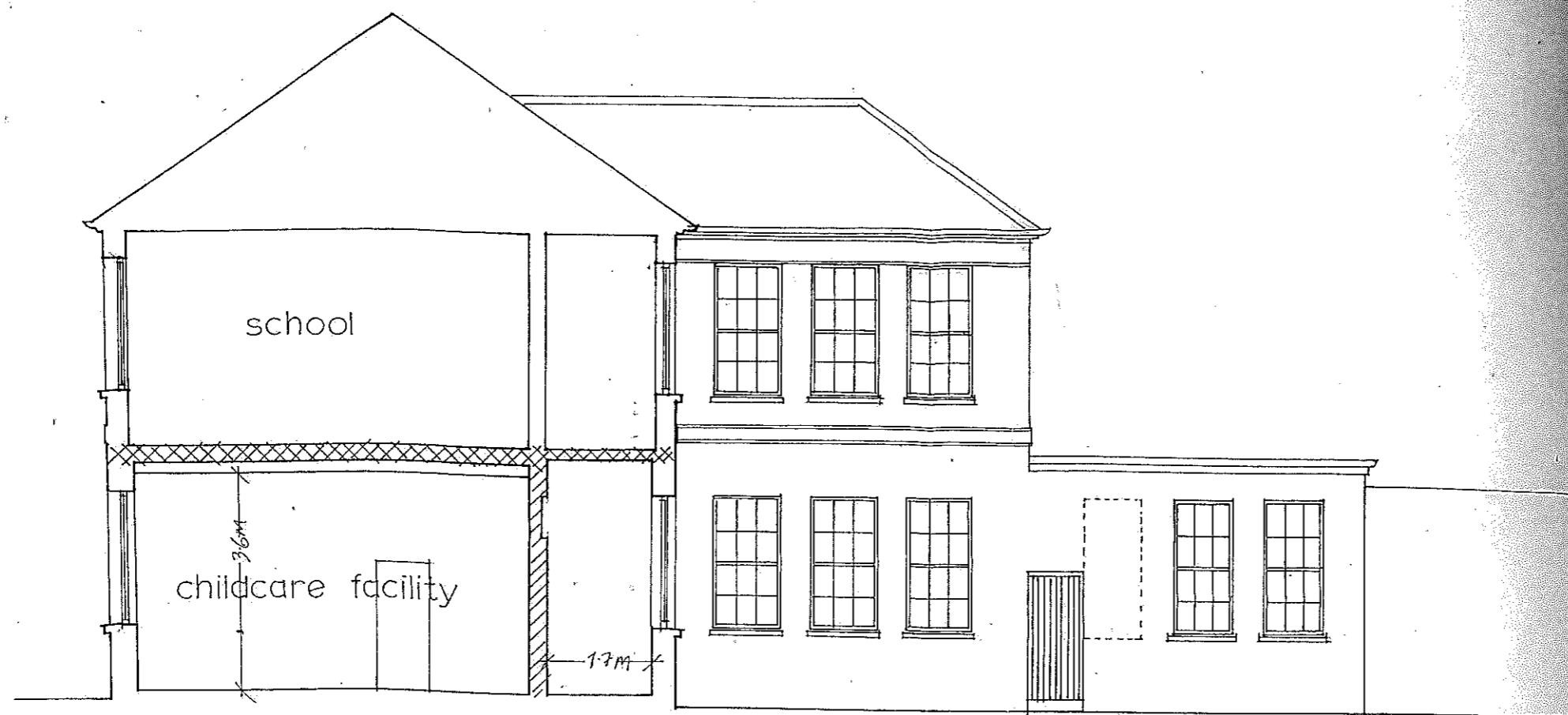


- //// 30 minute Fire Rating
- XXXX 60 minute Fire Rating
- Smoke Detector
- Heat Detector
- EXIT Emergency Exit Sign
- ⊠ Break glass
- ⌚ Alarm Bell

SHARMAN CRAWFORD STREET

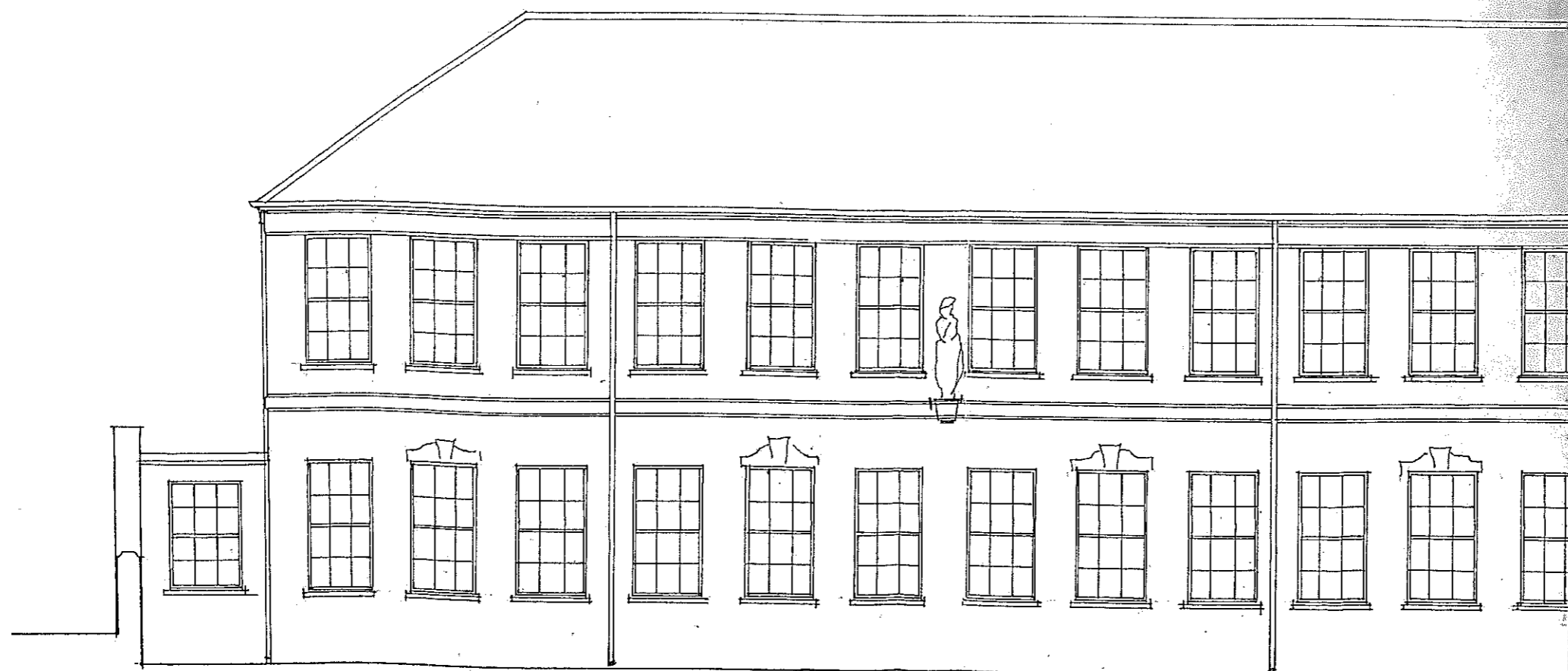
PROPOSED
 ALTERATIONS TO CHILDCARE
 FACILITY AT ST. MARIES OF
 THE ISLE, SHARMAN CRAWFOR
 STREET, CORK
 GROUND FLOOR PLAN
 SCALE 1:100...

MAGEE. CREEDON ARCHITECT

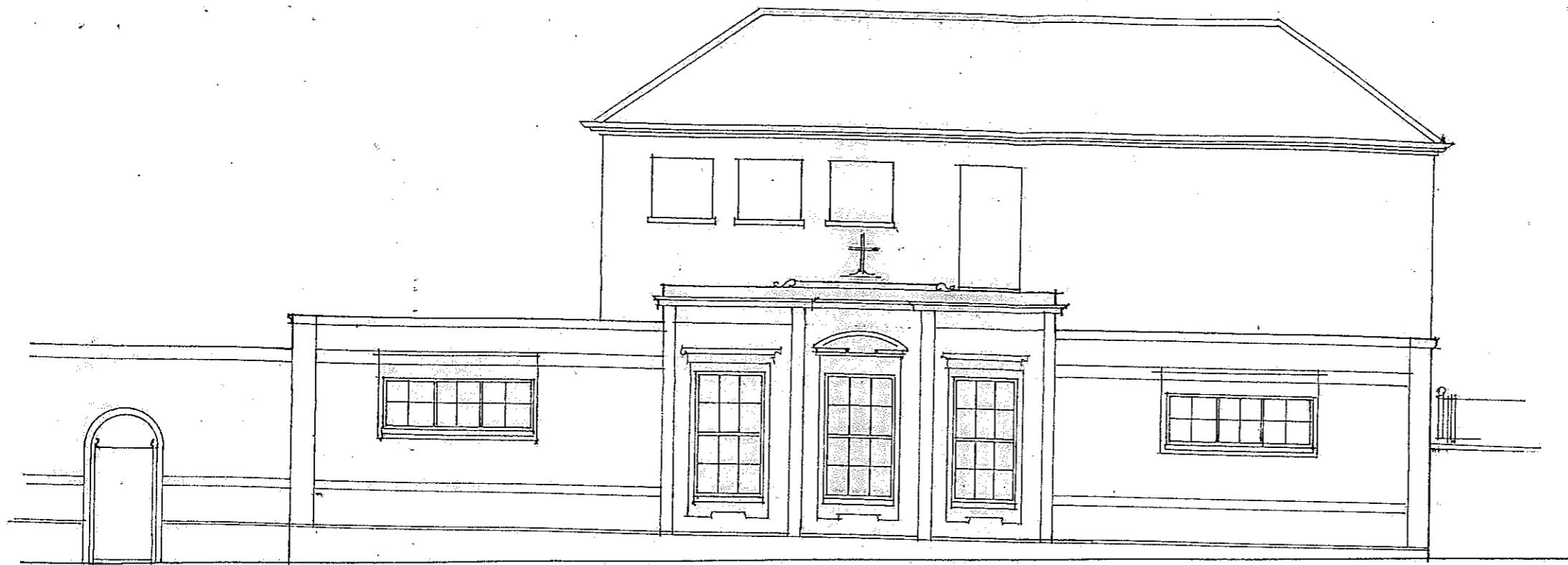


Section

East Elevation



South Elevation



West Elevation



North Elevation

1:100