



Maple Healthcare  
The Atrium, John's Lane,  
Naas, Co. Kildare

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1

<b>AN BORD PLEANÁLA</b>	
LDG- <u>012349-19.</u>	
ABP- _____	<u>13</u>
<b>01 FEB 2019</b>	
Fee: € <u>220.00</u>	Type: <u>Decl</u>
Time: <u>10.30</u>	By: <u>[Signature]</u>

30<sup>th</sup> January 2019

**Re: Declaration of Exempted Development under Section 5 for Longfield House (The Haven), Timahoe West, Co. Kildare**

**KILDARE COUNTY COUNCIL REG. REF: ED/00651**

Dear Sir / Madam,

I am writing to refer the decision of Kildare County Council to refuse a Section 5 Declaration of Exemption for the use of an ancillary garage at The Haven, Timahoe, Donadea, Co. Kildare to An Bord Pleanála.

Enclosed with this letter is a cheque for the requisite fee of €220.

(Note that Nua Healthcare Services Ltd is part of Maple Healthcare Ltd: Nua operate the provision of care in the houses owned by Maple. )

**Background:**

On 23<sup>rd</sup> January 2018 Maple Healthcare sought a Declaration of Exemption under Section 5 of the Planning and Development Acts (as amended) 2000 – 2015, for the change of use of a private residence and ancillary garage to a residential care facility in accordance with Schedule 2, Part 1, Class 14 of the Planning and Development Regulations (as amended) 2001 - 2010.

On 9<sup>th</sup> January 2019 Kildare County Council issued a Declaration of Exemption stating that the conversion of the house is exempt but not the garage, on the grounds that

1. The change of use of the garage is a material change of use not falling within the parameters of any exemptions contained in the legislation
2. The change of use would contravene Condition 3 of planning permission 16/1251 and therefore would not be in accordance with Article 9(1)(a)(i) of the Planning and Development Regulations 2001 (as amended). This condition states:

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3 (a) Within 6 weeks of the date of this permission, the applicant shall submit for the written agreement of the Planning Authority, a revised proposed floor plan for the garage building. The floor plan shall be open plan and the works such as the removal of all internal partition walls shall be clearly annotated on the plan. The floor plan shall also be clearly annotated to indicate that the building will be used for storage purposes only

(b) The works referred to in 3(a) above shall be carried out within 2 months of receipt of the Planning Authority's written agreement

Article 9(1)(a)(i) of the Planning and Development Regulations 2001 (as amended) states: -

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.

The basis of this decision appears to be that the garage is separate from the house in terms of its use and not ancillary to the house.

#### **Proposed Use:**

The use for which the declaration was sought was that of a residence for up to 6 persons with intellectual disabilities. This residence was to be made up of the main house to the front of the site housing 5 residents, and the converted garage housing a single resident. During the day there would be a minimum of 2 staff present at all times. At various times in the day additional staff or specialists might be present. At night there would not be more than 2 carers present. Please note that the carers are not permanently resident in the house.

#### **Background:**

Nua Healthcare acquired a long term lease on Longfield House in Timahoe (now known as 'The Haven') in May 2015. At the time the freeholder retained use of the garage and part of the site to the rear. Nua applied for a Section 5 declaration on exemption of the change of use of the house in July 2015, ref. ED 558. Nua was unaware at the time of the signing of the lease that the freeholder had converted the garage to living space.

In March 2016 Nua acquired a long term lease on the garage and the remainder of the site. Since the freeholder had converted the garage for use as a dwelling, this third party use was not compatible with the use of the main house for the provision of care to vulnerable people with intellectual disabilities. The garage was vacated and a planning application was made in 16/05/16 for retention of the use of the garage as a dwelling for a person with intellectual disabilities (Ref. 16/501). This application was refused permission on 07/07/16.



The reason for refusal was that the development would be contrary to sections 4.8.2, 4.8.5 and 19.4.8 of the Kildare County Development Plan 2001-2017.

In the course of considering the Section 5 application (ED558) the planning authority indicated that there were several instances of unauthorised development on the site, e.g. the existence of several sheds, a double garage and the garage to the rear, and that this prevented the planning authority from declaring that the change of use of the house was exempt. Accordingly Nua made an application for retention of these changes from the original permissions on 02/12/16 – ref. 16/1251. This was granted permission with conditions on 09/06/17. Condition 2 stated that the use of the garages was *'ancillary to the use of the operation of the residential use of the site and shall not be used for human habitation'*. Condition 3 required the submission of a drawing for written agreement of the council showing the restoration of the garage to storage purposes only.

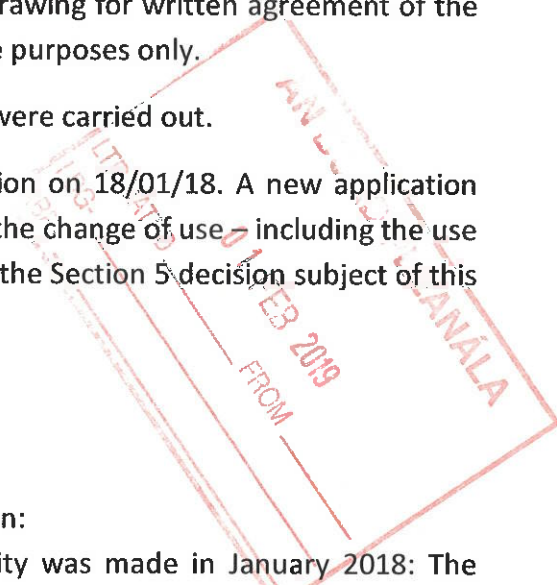
All works required by the conditions of this permission were carried out.

Nua/Maple then withdrew the first Section 5 application on 18/01/18. A new application was made for referral of the question on exemption of the change of use – including the use of the garage as living accommodation – Ref. ED00651, the Section 5 decision subject of this appeal.

#### **Grounds of Appeal:**

This appeal is made on several grounds:

1. The length of time it took to make the declaration:
  - a. The Application to the planning authority was made in January 2018: The declaration was received in January 2019. We ask An Bord Pleanála to determine if the fact that the time taken to issue the declaration was more than the 4 weeks specified in Section 5 (2) (a) of the Planning and Development Regulations (as amended) 2001–2010 implies that the planning authority have agreed that the works are exempt
2. The Condition of planning permission 16/1251 cited as the reason why use of the garage is not exempt
  - a. This condition does not, in fact, prohibit use of the garage for habitable use. Condition 3 requires a drawing to be forwarded to the planning authority and works to be carried out to remove all internal partitions: prohibition of use for habitable purposes is stated in Condition 2. Technically the conversion of the garage does not contravene Condition 3
3. Notwithstanding the above, we disagree with Kildare County Council's interpretation of the relationship of the garage to the main house and that change of use of the garage is separate from the change of use of the house.





We set out below our reasoning to support our contention that the change of use of the house allows change of use of the garage without the need for a planning application.

i. Ancillary Use

- a. The garage is an ancillary use to the primary dwelling land use on the site. The garage would not exist on the site were it not for the dwelling
- b. With regard to ancillary uses, Garrett Simons' Planning and Development Law book (footnote 1, pg 76) states: *'an ancillary use is regarded as part of the primary use so that cessation of the ancillary use does not give rise to a material change of use'*
- c. There is no restriction in Column 2 of Class 14 of the Planning and Development Act, 2000, as amended, on the change of use a garage (or other structure) that is ancillary to a house

ii. Contravention of Condition 3 of permission 16/1251

- a. Whether Condition 2 or Condition 3 applies in this case, we believe that the principle behind the condition is not relevant:
  - i. our understanding of the reason for this type of condition is to prevent the conversion of garages into dwellings that are intended to be sold as a separate property
  - ii. Nua Healthcare's intention is to use this building as an integral part of the provision of care for our residents. It is not intended that the property be sold separately nor indeed is it possible for Nua or Maple to do so. The house and garage would be registered with HIQA as a single centre and therefore the converted garage cannot be used by third parties while Nua uses the house for the provision of care.
  - iii. The permission granted and the condition apply to the use of the house as a single dwelling: the change of the primary use of the property to provision of care, as allowed under the Section 5 declaration, alters the effect of the condition in the previous permission and cannot prevent the change of use of the garage to match that of the new primary use
  - iv. See below for a more detailed description of Nua Healthcare's operation and the proposed use of the garage building

- b. The condition was applied in permission 16/1251 on foot of unauthorised development by the previous owner: in this application we sought permission for retention of the garage and other development to regularise the planning status of the property as a whole, with a view to applying for the Section 5 exemption. The retention application was made while the property was used as a single dwelling, and in effect prior to the change of use





iii. We also contend that the refusal of the retention application made in 2016 (16/501) is not relevant since the Kildare County Development Plan of 2011-2017 was superseded by the Plan of 2017-2023. The Section 5 declaration ED000651 does not refer to this decision or the reason given for refusal. We would contend that the Section 5 application was for a different development and has been treated as such by the planning authority. In application 16/501 the application was for a dwelling and was treated as a backland 'family flat' by the planning authority. Our Section 5 application is for a residence for persons with intellectual disabilities and the garage ancillary garage is an integral part of the overall use of providing care.

**iv. Planning Precedence**

- a. There is a direct precedent for the conversion of a garage for provision of care ancillary to the change of use of the main house. Cork County Council determined that the change of use of a house and ancillary garage to a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Curraghvoe Co. Cork, reference D/212/17, is development and is exempted development.
- b. An Bord Pleanála Reference 06D.RL.2616, in respect of the change of use from a dwelling unit at 59A Kerry Mount Rise, Foxrock, Dublin 18 to a residential care unit for persons with intellectual, physical disability or mental illness and persons providing care, where the Bord determined that it is development which is exempted development. In determining the referral, the Board had particular regard to Class 14 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 as amended.
- c. An Bord Pleanála Reference Number; PL25.RL3406 in respect of whether the use of a house as a residence for persons with an intellectual or physical disability is or is not development or is or not exempted development at Gainevale House, Multyfarnham, Co. Westmeath, determined that:
  - (i) The use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons comes within the scope of the change of use provided for under Class 14(f) of Part 1 of Schedule 2 to those Regulations, being a material change of use, which, therefore constitutes development, and
  - (ii) Having regard to the number of persons with an intellectual or physical disability or a mental illness that would be living in this residence, and in particular to the number of resident carers, this development complies with the Conditions and Limitations set out for that class of development, in the circumstances of this case. *And therefore, that the said use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Gainevale*



*House, Multyfarnham, Co. Westmeath is development and is exempted development.*

- d. Kildare County Council has determined that the use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Alberg House, Kinsfurze Ave., Naas (Ref: ED/00531), The Meadows, Oldgrange, Athy (ED/00553), The Willows, Clonegath Monasterevin ( ED00521), Hillview, Lackagh Beag, Monasterevin (ED/00562), Feighcullen, Rathangan (ED/00541) is development and is exempted development.

#### **Details of the Proposed Use of the Building**

It is important to understand the proposed use of the house and garage and how Nua Healthcare provides care to it's residents, generally people with intellectual disabilities.

Nua Healthcare Services was founded in 2004 by Edward Dunne, an experienced social care professional with over 20 years' supporting clients with a range of Intellectual Disabilities and Mental Health presentations including challenging behaviours. Since then, the company provides community outreach, day services and residential care for persons with Intellectual Disabilities, Autism, Brain Acquired Injuries and Mental Health difficulties. The social model of care is delivered in normal community settings and not in hospital or high density units and is in line with national Standards for Residential Services for Children and Adults with Disabilities 2013.

As with all competent organisations, Nua Healthcare Services operates a care model through a strong frontline staff team, robust management and supervision system. The company now operates services nationally in partnership with the HSE and employs in excess of 1000 locally based staff caring for circa 200 clients.

Uniquely, more than 80% of Nua Healthcare Services frontline staff is degree qualified and the remaining 20% are working towards same. The clinical team comprises of respected Neuro- and Forensic Psychiatrists, Psychologists, Psychotherapists, Behavioural Specialists, Occupational Therapists and are further complemented by nursing staff and a varied panel of other clinical professionals. The senior management team comprises of experienced management professionals who are responsible for the overall quality and governance of our services.

Nua Healthcare Services is widely acknowledged within the healthcare sector as the leading provider of residential care programs for individuals with autism, intellectual disabilities and behavioural difficulties in the Island of Ireland. Residential care for persons with intellectual disabilities, Autism and Acquired Brain Injuries is a highly regulated space in Ireland. Every residential care home is required to be registered with HIQA and is inspected regularly against the National Standards for Residential Services for Children and Adults with Disabilities 2013. These standards cover a vast array of areas including risk management,



good governance and suitability of facilities and environment. The state has shut a significant number of facilities that are considered institutional and moved all individuals into settings similar to those provided by Nua Healthcare Services. Nua Healthcare Services is registered for Intellectual Disability services with HIQA.

Nua Healthcare is a private entity and service provider to the Health Service Executive, TUSLA, Individuals and their families. The model of services provided by Nua Healthcare is not determined by buildings or locations. While day services are provided at a variety of locations, Nua Healthcare subscribes to the concept of 'services without walls'. This concept does not restrict service provision to any one location but rather, it allows for the provision of supports in settings which best meet the identified needs of the service user in the most natural environment possible.

There are c.10,000 individuals in Ireland with intellectual disabilities that are in need of a normal community residential care placement. Individuals with intellectual disabilities and autism are typically more vulnerable and therefore, open to manipulation by unsavoury individuals in the general population. A common reason for referral to our residential services is that of an existing family arrangement that has broken down. This can be due to behavioural difficulties in the home or changing health needs of the individual or parents.

Individuals, who are temporarily exhibiting antisocial behaviours, cannot be adequately managed within an urban / town centre environment. This is for a variety of reasons:

- The level of stimulus is significantly higher
- The access to others that might be involved in antisocial behaviour is significantly higher
- The availability of alcohol / drugs is higher
- The opportunity for flight is higher

In this context, Maple Healthcare Limited (Nua's parent company and property management vehicle) seek out normal semi-rural environments in excess of 2000 sq. ft. and within reasonable distance of local amenities, circa 5 km from a town or village. The following criteria are considered in determining suitable locations:

- Homely environment
- Security and Privacy
- 4 to 6 Bedrooms
- Multiple living / common areas / social spaces
- 1 – 2 Acre sites
- Low arousal environment

Individuals with learning disabilities and or autism cannot always live completely independently and so, where they cannot, suitable environments are required to be provided by trusted organisations such as Nua Healthcare Services.



All Nua houses need to be flexible to cope with the changing needs of residents. Separation of residents may become necessary for a variety of reasons –

1. To provide respite care on a temporary basis
2. To protect vulnerable individuals in the short term until they can be integrated into other houses
3. To allow and encourage the development of independent living skills
4. To deal with challenging behaviour of residents

Nua Healthcare currently operates a number of facilities throughout the country on exactly the same basis as the facility which is the subject of this referral. They have been granted Section 5 Declarations of Exemption for these facilities by a number of planning authorities throughout the country, including Cork, Laois, Limerick, Clare, Tipperary, Offaly, Leitrim, Wexford and Wicklow. There is therefore a clearly established precedence for granting Section 5 Declarations of Exemption for facilities such as this which is not overturned by the particular circumstances of this case.

## LEGISLATIVE PROVISIONS

### Planning and Development Act 2000 as amended

#### Section 3 Development

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)

The following shall be exempted developments for the purposes of this Act –

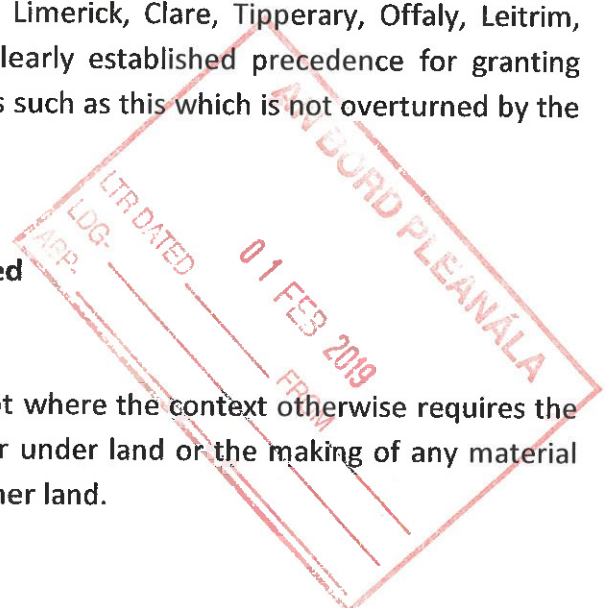
- (h) Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of the neighbouring structures.

### Planning and Development Regulations 2001, as amended

#### Article 6 - Exempted Development

Subject to Article 9, development of a class specified in Column 1, 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 sets out restrictions on exemptions and states the following:







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”,

In this regard, and by reference to Class 14(f) of the Planning and Development Regulations, 2001 as amended, and having regard to planning precedence, in particular An Bord Pleanála Reference Numbers PL 06D.RL2616 and PL 25.RL3406, as well as precedence with Cork County Council for the change of use for the house and the ancillary garage, the change of use of this application would normally be considered to be development involving a material change of use, which is exempted development, provided the number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2, as is the case in this instance.

In relation to the restrictions on exemption as set out in Article 9 of the Planning and Development Regulations 2001, as amended, it can be concluded that:

- The proposed change of use does not contravene a condition attached to any previous permission pertaining to the property – see above
- No works to the access to the public road are proposed;
- The proposed change of use, involving a maximum of 6 vehicles, will not endanger public safety by reason of a traffic hazard or obstruction of road users;
- The front of the building will not be brought forward;
- There are no works proposed under the public road;
- The proposed change of use would not interfere with a landscape of view of special character, as the dwelling is existing and is not located in an area which attracts a High Value Landscape designation;
- The proposed change of use would not involve any works to a feature of archaeological, geological, or historical, scientific or ecological interest;
- The dwelling the subject of this referral is not unauthorised;
- The dwelling is not restricted by an objective for the continuance of an existing use;
- The proposed change of use does not involve the fencing or enclosure on the boundaries of any land;
- The proposed change of use does not obstruct any public right of way;
- The dwelling is not located in an ACA and no works to the exterior are proposed; and
- No special amenity orders apply to the existing site.



## CONCLUSION

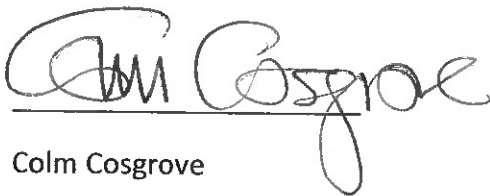
In conclusion, having regard to Section 3 of the Planning and Development Act 2000 (as amended), Articles 6 and 9 of the Planning and Development Regulations 2001-2010 (as amended), Class 14(f) of Part 1 of Schedule 2 of those Regulations and the planning history of the site, we submit that the use of the ancillary garage as part of a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons comes within the scope of the change of use provided for under Class 14(f) of Part 1 of Schedule 2 of those Regulations.

Accordingly, the use of an ancillary garage at The Haven, Timahoe, Donadea, Co. Kildare as part of a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons is development and is exempted development.

We trust everything in this appeal is in order and would ask that you decide in our favour in relation to this appeal.

Please forward all correspondence in relation to this appeal to this office.

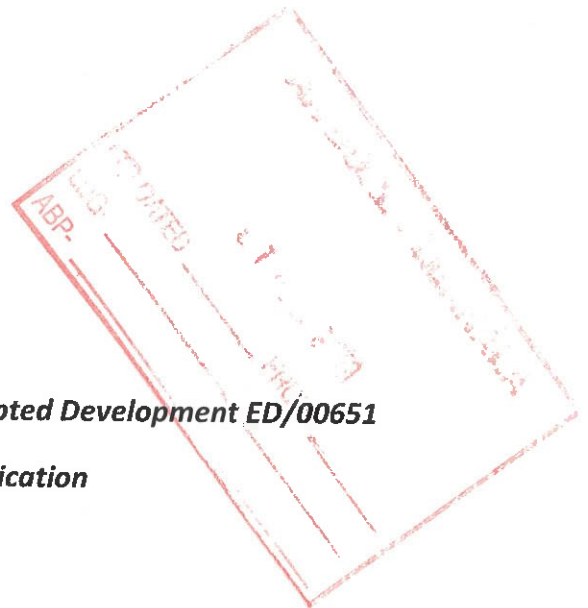
Yours faithfully



Colm Cosgrove

Architect

Maple Healthcare Limited



**Appendix 1: Kildare County Council Declaration of Exempted Development ED/00651**

**Appendix 2: Drawings submitted with the Section 5 application**

029-01E Main House Ground Floor Plan

029-02E Main House 1<sup>st</sup> Floor Plan

029-05B Main House Elevations & section

029-07B Location Map

029-08L Site Plan

029-010E Garage plans elevations and section

**Appendix 3: Examples of Similar Section 5 Declarations of Exemption**

Cork County Council Declaration of Exempted Development D/212/17

Coakley O'Neill cover letter to Cork CC 07/03/17 (illustrating extent of development)





ED/00651

**Declaration on Development & Exempted Development under  
Section 5 of the  
Planning and Development Act 2000 (as amended)**

**WHEREAS** a question has arisen as to whether:

*The use of the existing dwelling and ancillary garage as a residence for persons with intellectual or physical or mental illness and persons providing care for such persons. The number of occupants is six and the number of care staff is two.*

And

*The conversion of the permitted garage to use as living accommodation associated with the use of the house*

The Haven, Timahoe West, County Kildare is or is not exempted development;

**AS INDICATED** on the plans and particulars received by the Planning Authority on 23<sup>rd</sup> January 2018;

**AND WHEREAS** Colm Cosgrove - Maple Healthcare Services, The Atrium, John's Lane, Naas, County Kildare requested a declaration on the said question from Kildare County Council;

**AND WHEREAS** Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had particular regard to;

- (a) Section 3 of the Planning and Development Act 2000 (as amended),
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended),
- (c) Class 14(f) in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended),

**AND WHEREAS** Kildare County Council has concluded that:

The proposed change of use in respect of the dwelling comes within the scope of Class 14(f) in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended); and



Comhairle Contae Chill Dara  
Kildare County Council



The proposed change of use and conversion of the garage to use as a living accommodation associated with the use of the house is a material change of use which does not fall within the parameters of any exemptions contained in the legislation. Furthermore, this change of use would contravene condition no. 2 of planning permission 16/1251 and condition 3 of 16/1251, and in accordance with Article 9(1)(a)(i) of the Planning and Development Regulations 2001 (As Amended) would not be exempted development.

**NOW THEREFORE** Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that:

The use of the existing dwelling as a residence for persons with intellectual or physical or mental illness and persons providing care for such persons (the number of occupants is six and the number of care staff is two) is exempted development.

The proposed change of use and conversion of the garage to use as a living accommodation associated with the use of the house is development and is not exempted development for the reasons given above.

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed: \_\_\_\_\_

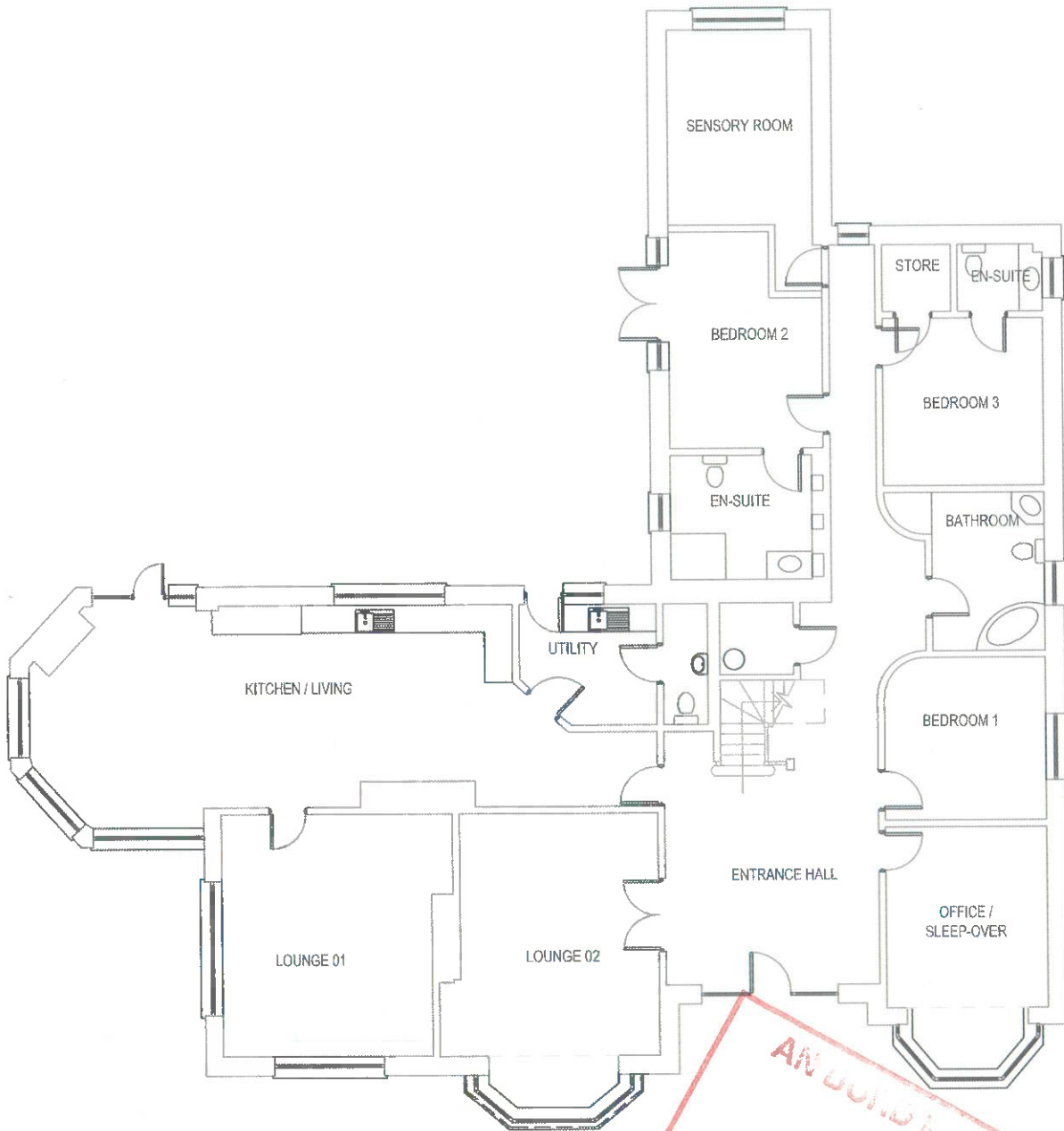
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Date: \_\_\_\_\_

9<sup>th</sup> Jan 2015








Ground Floor Plan  
266.2 m<sup>2</sup>

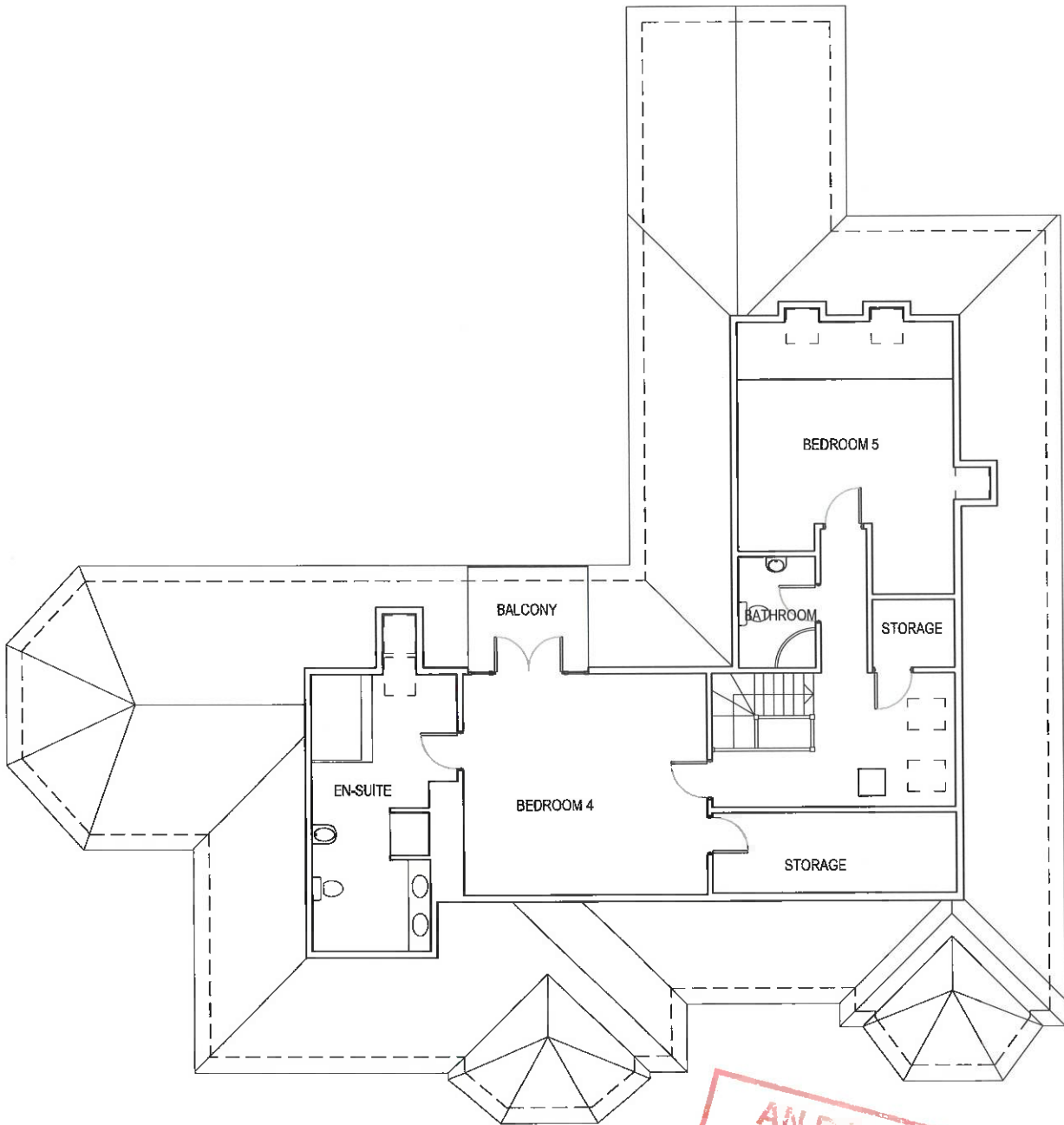
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Scale: 1:100@A3	Date: MAY 2015	Org. No: 029-01	Revision E	Drawn by: CC	
Project: <b>THE HAVEN, TIMAHOE,          DONADEA, CO. KILDARE</b>					
Drawing Title: Ground Floor Plan					
Drawing Status: Section 5 Application					





First Floor Plan  
116.5 m<sup>2</sup>

**AN BORD PLEANÁLA**

**01 FEB 2019**

LTR DATED \_\_\_\_\_  
LDG- \_\_\_\_\_  
APP- \_\_\_\_\_

<b>Nua Healthcare</b> The Atrium, John's Lane, Naas, Co. Kildare. Ph: 045-856592 Fax 045-879860				
Scale:	Date Created:	Org. No:	Revision	Drawn by:
1:100@A3	MAY 2015	029-02	E	CC
Project: <b>THE HAVEN</b> <b>TIMAHOE, DONADEA, CO. KILDARE</b>				
<b>Drawing Title:</b> First Floor Plan <b>Drawing Status:</b> Section 5 Application				

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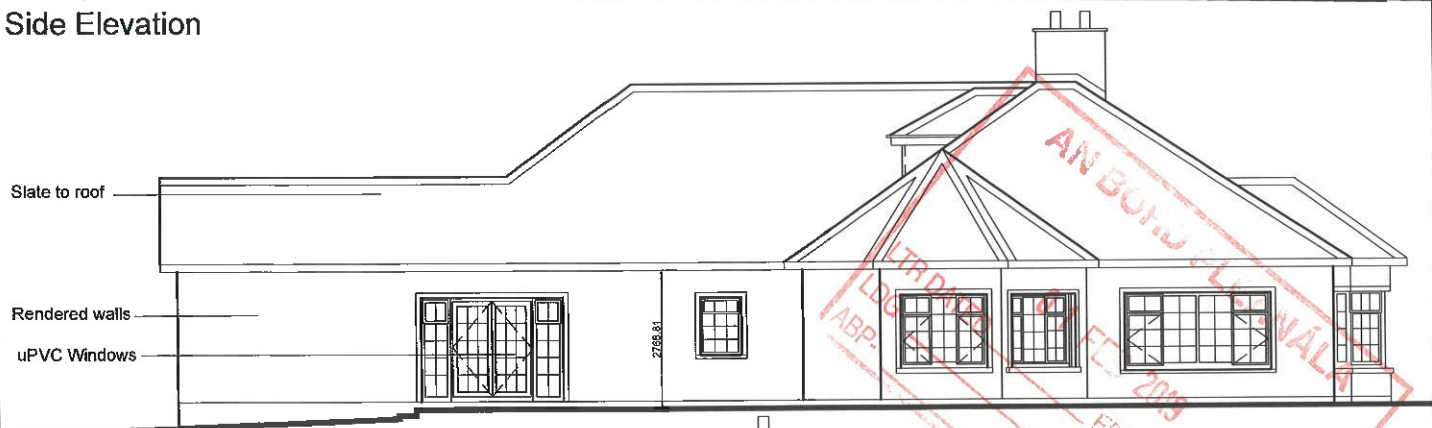




Front Elevation



Side Elevation



Side Elevation




Rear Elevation



Section A-A

**Nua Healthcare**  
 The Atrium, John's Lane,  
 Naas, Co. Kildare.  
 Ph. 045-866592  
 Fax 045-879860



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1:100	MAY 2015	029-05	B	CC

Project:  
**THE HAVEN**  
**TIMAHOE, DONADEA, CO. KILDARE**

Drawing Title: ELEVATIONS & SECTION - MAIN HOUSE  
 Drawing Status: Section 5 Application



Output Format

DWG\_35\_LEVEL

Output File:

V\_00\_25230791\_000000001.DWG

Map Series:

1:2500

3319-A

REVISION DATE = 14-Feb-2014

SURVEY DATE = 01-Sep-1996

LEVELLED DATE = 31-Dec-1962

Clip Extent

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LRX,LRY = 277288,231471

ULX,ULY = 276701,231901

URX,URY = 277283,231901

Projection:

IG

ITM Centre Point Co-ordinate:

XY = 676926,731713

Extraction Date:


03-Jun-2015

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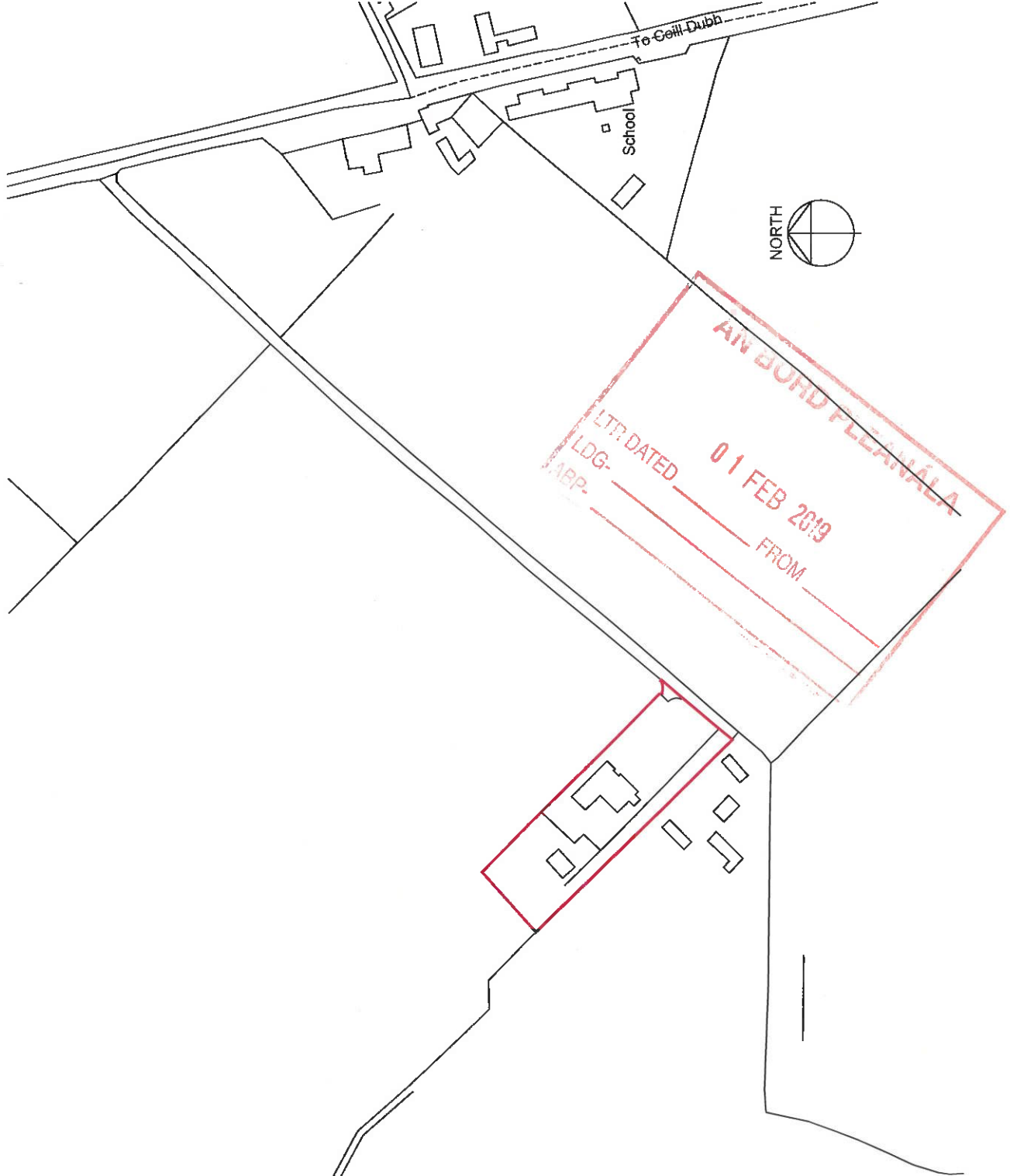
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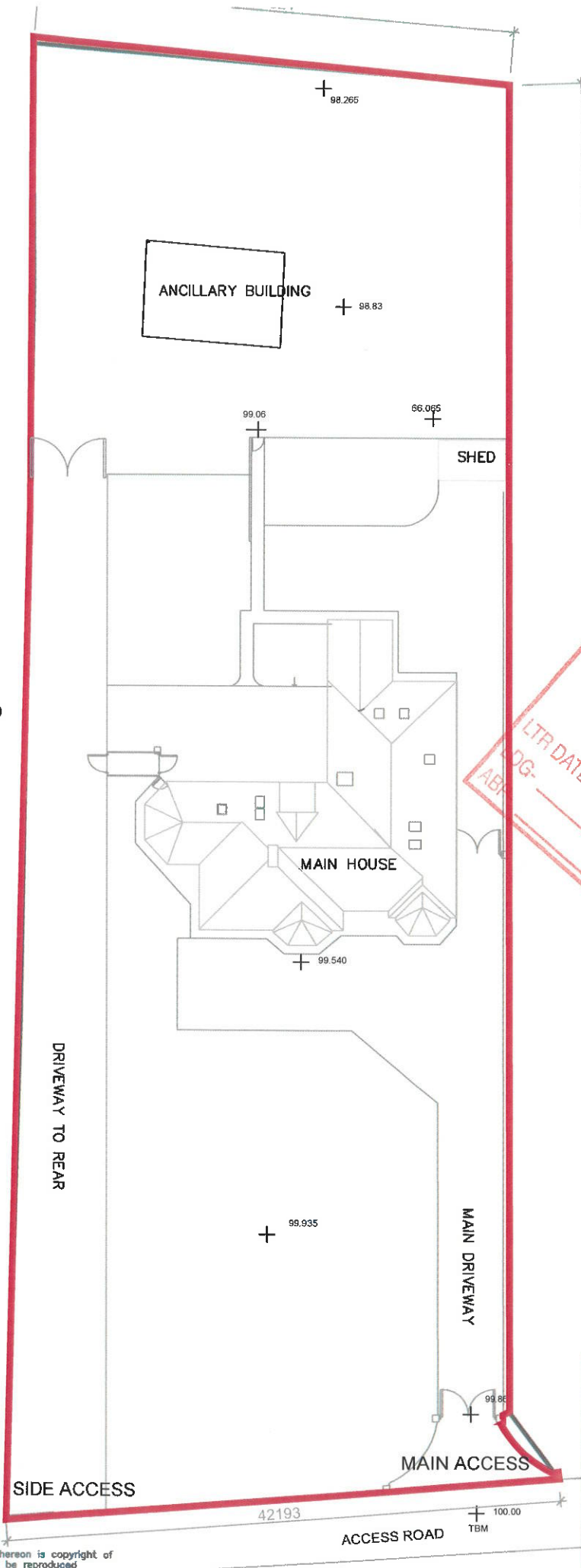
**Nua Healthcare**  
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Project:				
The Haven, Timahoe, Donadea, Co. Kildare				
Drawing Title: Location Map				









AN BORD PLEANÁLA  
 LTR DATED 01 FEB 2019  
 106548  
 FROM

SITE BOUNDARY IN RED

EXISTING HOUSE

SHED

DRIVEWAY TO REAR

MAIN DRIVEWAY

SIDE ACCESS

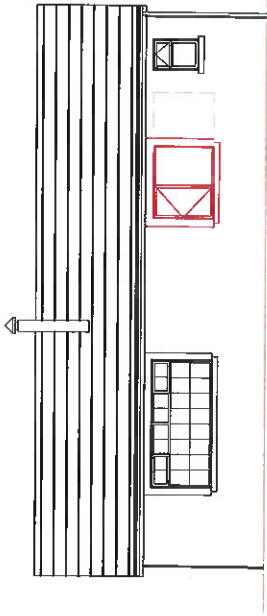
MAIN ACCESS

ACCESS ROAD

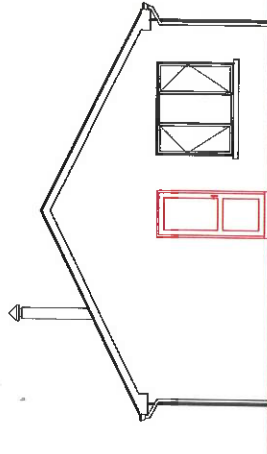
<b>Nua Healthcare</b> The Atrium, John's Lane, Naas, Co. Kildare. Ph. 045-856592 Fax 045-879860				
Scale:	Date:	Drg. No:	Revision	Drawn by:
1:300	MAY 2015	029-08	L	CC
Project:				
THE HAVEN, TIMAHOE, DONADEA, CO. KILDARE				
Drawing Title: Site Plan				
Drawing Status: Section 5 Application				

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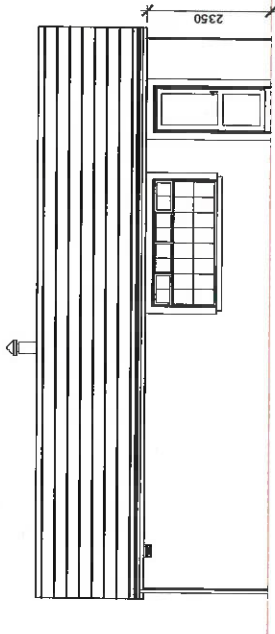




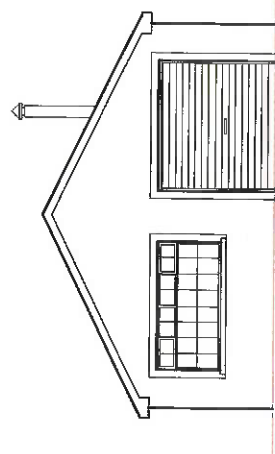
REAR ELEVATION  
SCALE 1:100



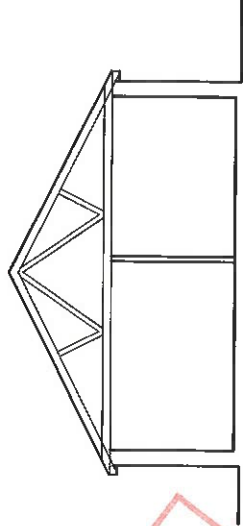
SIDE ELEVATION  
SCALE 1:100



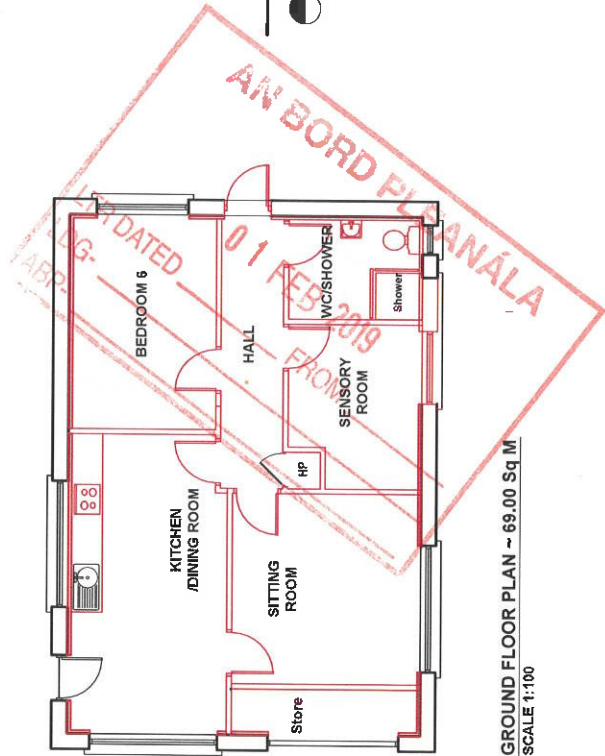
FRONT ELEVATION  
SCALE 1:100



SIDE ELEVATION  
SCALE 1:100



TYPICAL SECTION  
SCALE 1:100



PROPOSED CONSTRUCTION

**Nua Healthcare**  
The Atrium, John's Lane,  
Naas, Co. Kildare.  
Ph. 045-856592  
Fax 045-879860

**THE HAVEN**  
TIMAHOE, DONADEA, CO. KILDARE

Drawing Title: Ancillary Bldg/Garage: plans, section & elevs  
Drawing Status: **Section 5 Application**

Scale:	1:100@A3	Dwg. No:	025-10	Revision	E	Drawn by:	CC
Project:	Ipsite Created: 01 MAY 2017						

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# Comhairle Contae Chorcaí Cork County Council

Maple Healthcare Limited,  
C/O Coakley O'Neill Town Planning,  
NSC Campus,  
Mahon,  
Cork.

An Rannóg Pleanála,  
Halla an Chontae,  
Bóthar Charraig Ruacháin, Corcaigh.  
Fón: (021) 4276891 • Faics: (021) 4867007  
R-phost: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Suíomh Gréasáin: [www.corkcoco.ie](http://www.corkcoco.ie)  
Planning Department,  
County Hall,  
Carrigrohane Road, Cork.  
Tel (021) 4276891 • Fax (021) 4867007  
Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



31<sup>st</sup> March, 2017

REF: D/212/17  
LOCATION: Curraghvoe, Mitchelstown, Co. Cork.

**RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE  
PLANNING & DEVELOPMENT ACT 2000**

Dear Sir/Madam,

On the basis of the information and plans submitted by you on the 8<sup>th</sup> March, 2017 the Planning Authority having considered whether the use of a house and ancillary garage as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at **Curraghvoe, Mitchelstown, Co. Cork** is or is not development or is or is not exempted development has declared it is **exempted development**.

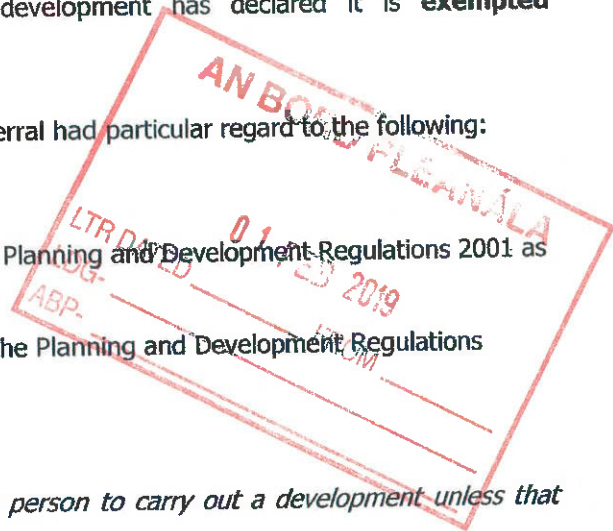
The Planning Authority in considering this referral had particular regard to the following:

- The planning history of the site
- Class 9 (a), Part 4, Schedule 2 of the Planning and Development Regulations 2001 as amended
- Class 14 (f) of Part 1, Schedule 2 of the Planning and Development Regulations (2001, as amended)

*This exemption does NOT itself empower a person to carry out a development unless that person is legally entitled to do so.*

Yours faithfully,

JAMES KEANE,  
SENIOR EXECUTIVE OFFICER,  
PLANNING DEPARTMENT.







Senior Executive Officer,  
Planning Department  
Cork County Council  
County Hall,  
Carrigrohane Road  
Cork  
T12 R2NC

7<sup>th</sup> March, 2017

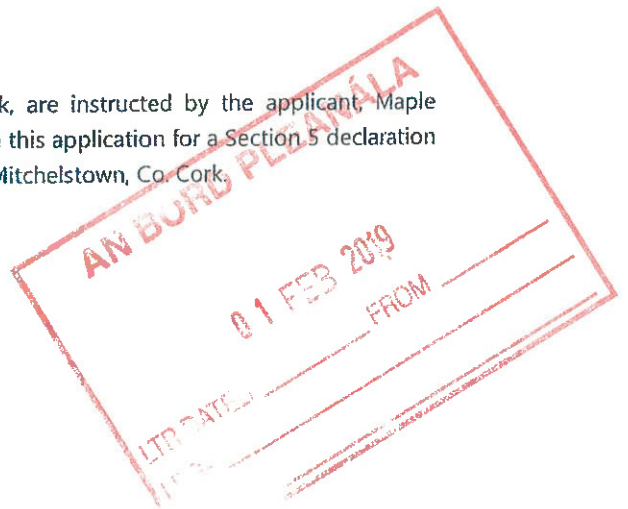
**RE: SECTION 5 DECLARATION APPLICATION, CURRAGHVOE, MITCHELSTOWN, CO. CORK**

Dear Sir / Madam,

We, Coakley O'Neill Town Planning Ltd, NSC Campus, Mahon, Cork, are instructed by the applicant Maple Healthcare Limited, The Atrium, John's Lane, Naas, Co. Kildare to lodge this application for a Section 5 declaration in respect of an existing dwelling and ancillary garage at Curraghvoe, Mitchelstown, Co. Cork.

The following items are enclosed as part of this application:

- Cover letter stating:
  - applicant(s) name
  - correspondence address
  - location of development
  - nature of development
- Ordnance Survey Maps - 6" & 25" (identifying site location)
- Site Layout Map
- Scaled drawings of development
- €80.00 Fee



We submit this application for a statutory Section 5 Declaration as to whether:

***The use of a house and ancillary garage as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons is or is not development and is or is not exempted development.***

We set out our case that the proposed use of the dwelling and ancillary garage as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons is development which is exempted development in detail hereunder.

Registered Office: NSC Campus, Mahon, Cork, Ireland.

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