

## Niamh Thornton

---

**From:** Aisling Reilly  
**Sent:** Monday 28 September 2020 16:28  
**To:** Niamh Thornton  
**Subject:** FW: Cork City Section 5 Ref: R572/20

**From:** Kerry Bergin [mailto:kerry\_bergin@corkcity.ie]  
**Sent:** Monday 28 September 2020 13:41  
**To:** Aisling Reilly <A.Reilly@pleanala.ie>  
**Subject:** RE: Cork City Section 5 Ref: R572/20

Hi Aisling

The question is:

Is the change of use from a single dwelling to a facility for those recovering from addictions at No 1 Stratton Pines, Bishopstown, Co. Cork a development and if so is it exempted development?

Regards

Kerry

Aisling



RDF ARCHITECTS & PLANNING

## OCFPM/RDF Architects

DUBLIN - CORK - LONDON

Head Office: Unit 19, Charleville Town Centre,  
Charleville, Co. Cork  
Tel: 00353(0)63 30917  
Web: www.ocfpm.com  
E-mail: info@ocfpm.com

An Bord Pleanála  
64 Marlborough Street,  
Dublin 1

16<sup>th</sup> September 2020

Cork City Council Section 5 Ref: R572/20

**Applicant:** Cuan Mhuire CLG  
**Address:** 1 Stratton Pines, Bishopstown, Cork

AN BORD PLEANÁLA  
LDG- 030869-20  
ABP-  
18 SEP 2020  
Fee: €1500 Type: CH2  
Time: By: Reg Fast

Dear Sir/ Madam,

I spoke with an ABP representative with regards to the fee for this Section 5 appeal. The applicant in this appeal is a registered charity and an Approved Housing Body however I could not get clarification on the correct fee for same. I was advised to pay the higher class A3 of €1500.00 and considering the applicant is a registered charity and an Approved Housing Body, ABP would review the fee and reimburse a percentage if possible.

If you require any additional information, please do not hesitate in contacting me.

Yours sincerely,

**Caroline Ahern**

Arch. Tech.

RDF Architects & Planning

OCFPM Ltd. Unit 19 Charleville Town Centre, Charleville, Co. Cork  
cahern@ocfpm.com



## OCFPM/RDF Architects

DUBLIN - CORK - LONDON

Head Office: Unit 19, Charleville Town Centre,  
Charleville, Co. Cork  
Tel: 00353(0)63 30917  
Web: www.ocfpm.com  
E-mail: info@ocfpm.com

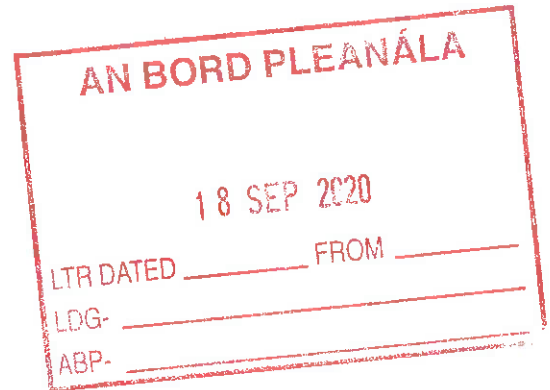
An Bord Pleanála  
64 Marlborough Street,  
Dublin 1

16<sup>th</sup> September 2020

**Cork City Council Section 5 Ref: R572/20**

**Applicant: Cuan Mhuire CLG**

**Address: 1 Stratton Pines, Bishopstown, Cork**



Dear Sir/ Madam,

On behalf of our client, the applicant in the above Section 5 application, we wish to appeal the decision made by Cork City Council dated 1st September 2020. The reason for refusal was as follows:

- the proposed from use as a house to use a facility for those recovering from addictions does not fall under the Class 14 (f) of Schedule 2 Part 1 of the Planning and Development Act 2001 (as amended) as the facility would operate as a transitional recovery facility providing counselling services rather than providing primarily residential care for persons with an intellectual or physical disability or mental illness; and that
- the proposed change of use is therefore 'development' and 'is not exempted development'.

The principle reasons for the council decision seems to be their interpretation of Class 14(f). This details the following:

*The Planning and Development Regulations 2001 – 2019 – Schedule 2 Part 1 Class 14 (f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.*

The conditions attached to this class of exempted development are set out as follows:

*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*

If we review the floor plans and details lodged with the section 5 application, the following is clear:

The existing property is clearly in use as and established as a "house". This does not seem to be disputed.

The proposed plans have:

- 3 no bedrooms with 6 No beds for residents
- 1 No Single Bedroom for carer
- Kitchen and dining room with living room
- Meeting room for when residents have visitors/guests.

Therefore, the requirements around quantity of beds and carers does not seem to be an issue. For the interest of clarity, I have reattached the proposed plans.

The decision of the council seems to be on the basis that this is a transitional recovery facility providing counselling services.

Therefore, there seems to be 2 aspects of concern by the council.

- (i) They do not seem to see people suffering from addictions as fulfilling the mental health category.
- (ii) There seems to be an issue with the provision of alleged counselling services.

The primary use for this house is to provide short term residence for people who have satisfactorily completed an addiction treatment programme and are homeless. Therefore, at the time of access to this facility an addiction recovery program has been completed and therefore there is no risk of alcohol consumption. It is a "dry" facility.

#### Mental Health:

I would refer to the below research and findings that needs to be taken on board.

#### WHO – World Health Organisation

Mental disorders comprise a broad range of problems, with different symptoms. However, they are generally characterized by some combination of abnormal thoughts, emotions, behaviour and relationships with others. Examples are schizophrenia, depression, intellectual disabilities, and disorders due to drug abuse.

The National Institute of Health defines addiction as:

"a chronic relapsing disorder characterised by compulsive drug seeking, continued use despite harmful consequences, and long-lasting changes in the brain. It is considered both a complex brain disorder and a mental illness. Addiction is the most severe form of a full spectrum of substance use disorders, and is a medical illness caused by repeated misuse of a substance or substances."

The American Psychiatric Association (2020) describes addiction as:

"a complex condition, a brain disease that is manifested by compulsive substance use despite harmful consequences. People with addiction (severe substance use disorder) have an intense focus on using a certain substance(s), such as alcohol or drugs, to the point that it takes over their life. They keep using alcohol or a drug even when they know it will cause problems."

18 SEP 2020  
LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_  
LDG- \_\_\_\_\_

*on using a certain substance(s), such as alcohol or drugs, to the point that it takes over their life. They keep using alcohol or a drug even when they know it will cause problems.”*

William L. White – a senior research consultant postulates in his article ‘A Disease Concept for the 21st Century’ that *“addiction is not caused solely by genetic or biological factors but by multiple interacting factors, a status that places it squarely within the rubric of other chronic diseases.”*

Both alcohol use disorder and drug use disorder are included in the DSM 5 (Diagnostic and Statistical Manual of Mental Health Disorders, 5th edn American Psychiatric Association)

We contend that those for whom this house is intended are suffering from a mental illness i.e. addiction. For this to be considered otherwise would have serious and long-lasting effects in the addressing and provision of services for persons suffering from addiction worldwide.

Counselling Services:

There are no plans for this property to provide counselling services. Supports of various sorts would be available 24/7 for residents that need them offsite. The carer in these facilities is a case worker and can have various different qualifications so services and supports required can often be accessed remote through the HSE and other parties.

The ultimate goal here is to get persons back to independent living. The thought of persons that are resident in properties as per class 14(f) must be deprived of counselling supports and other supports (including offsite), as a condition for having a property for persons living with mental illness is absolutely absurd. This would have serious implications for persons suffering from mental illnesses and living in such facilities countrywide. It also raises serious human rights questions where persons would have to be deprived of supports and care as a condition to living in such facilities.

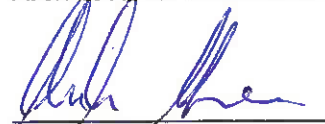
Based on the above there is absolutely no doubt that the residents proposed fulfill the definition set out under class 14(f) as a mental illness, and that the intent of such properties would also facilitate them accessing support services as may be required.

---

Please acknowledge receipt of this appeal at your earliest convenience.

Yours sincerely,

**Caroline Ahern**  
Architectural Technician.



RDF Architects & Planning  
OCFPM Ltd. Unit 19 Charleville Town Centre, Charleville, Co. Cork  
cahern@ocfpm.com

