



Comhairle Contae an Chabháin
Cavan County Council

Your Ref: ABP-312025-21

3rd December 2021

Our Ref: Section V Application #21

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

BORD PLEANÁLA	
LDG-	_____
ABP-	_____
06 DEC 2021	
Fee: €	_____ Type: _____
Time: _____	By: <u>post</u>

Re: Application of Donal Watters on whether the change of use from office ancillary to motor sales facilities to office use to be occupied by the HSE administrative services is or is not development or is or is not exempted development at Unit 17 Kilmore Business Park, Dublin Road, Cavan

Cavan County Council
Courthouse
Farnham Street
Cavan H12 R6V2

Comhairle Contae an Chabháin
Teach na Cúirte
Sráid Fhearnáin
An Cabhán H12 R6V2

Dear Sir/Madam,

With reference to your letter dated 25th November 2021 in connection with above referral, the following documents are submitted herewith:-

- Details of previous decisions affecting the site.
- Any correspondence that has taken place between the person(s) issued with a declaration under subsection (2)(a) of section 5 of the 2000 Act, (as amended), and the planning authority.
- The name and address of the owner of the land in question and the name of the occupier of the said land, if different.
- Observations of the Planning Authority on grounds of the referral.

Details of previous decisions affecting the site

05/876: permission granted to Cathal Brady to construct new motor sales & service facility, comprising 2 no. separate buildings (1 no. 2-storey to west & 1 no. 5-storey to east) over a single storey basement car storage area - west building with an overall area of 418m², consists of one motor sales with mezzanine floor sales office, toilets & anc accomm with overall height of 7.05m - east building overall floor area of 2,690m² consists of 2 motor sales facilities (one with mezzanine floor sales offices), service workshop, parts dept, anc. office & toilet accomm on 3 floors with assoc ext. terraces & roof level plant room. Overall height to roof level plant



room 18.125m. Basement car storage (incl ramp, wash & valeting) shall have floor area of 1,784m². Externally-development consists of staff, customer & display surface parking areas, free-standing & attached illumine signage, 9 flag poles, landscaping & treatment of site boundaries, access road & assoc vehicular entrances from ex business park, assoc drainage & anc works, Site 17.

Any correspondence that has taken place between the person(s) issued with the declaration and the planning authority

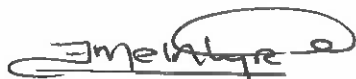
The planner has had no correspondence with the applicant to date.

Name and address of the owner of the land in question and the name of the occupier of the said land, if different-

As per the application form submitted on Planning Reg. No. 21/557- Donal Watters (applicant) is the owner. The building is currently unoccupied, however, we understand that it is intended to be occupied by the HSE.

Please also refer to current Appeal, Ref. No. ABP-312057-21.

Yours faithfully,



Senior Staff Officer

Memorandum

From	Bronagh Treanor Assistant Planner	To	Nicholas O'Kane Senior Planner
------	--------------------------------------	----	-----------------------------------

Date 2nd December 2021

Submission on Appeal

Section V No: 281

Applicant: Donal Watters

Type of Application: Application for Declaration under Section V of the Planning & Development Act 2000

Development Description: Whether the change of use from 'office ancillary to motor sales facilities' to office use to be occupied by HSE administrative services constitutes Exempted Development at Unit 17, Kilmore Business Park, Dublin Road, Co. Cavan.

Municipal District: Cavan - Belturbet

Background:

Cavan County Council issued a decision stating that the proposed development would not constitute Exempted Development, on 01/11/2021, under Section V No. 281 for the above referenced development. This decision was appealed by the applicant, Donal Watters.

The Board has requested Cavan County Council to make a submission/observation on the First Party Appeal submitted by Donal Watters in respect of the above development proposal.

Assessment

I have examined the content of the First Party Appeal, some of which was already set out in the original Section V application and addressed in the Planner's Report. However, by way of response I would highlight the following from the planning authority's perspective, and reply as follows:

This proposal relates to the change of use from 'office ancillary to motor sales facilities' to office use to be occupied by HSE administrative services. The specific building to which the proposed office use relates is located at the first, second and third floors of the building above the Renault and Nissan car sales showrooms that operate at the ground and mezzanine floor levels on the western side of the Kilmore Business Park.

It is proposed to change the use of the office space to office use to be occupied by HSE administrative services. The gross floor area of the first, second and third floor offices is 999.5sqm.

I refer to the parent permission on site, approved under Planning Ref. 05/876 for the construction of a new motor sales and service facility which included development of the east building with ancillary office use. It is my opinion that this office use was to provide support to the motor car sales, which was the principal use of the East Building. Therefore, it is considered that the change of use of the first to third floors in the East Building by the HSE for office use would contravene condition 1 of the grant of permission, which requires that the development be carried out in accordance with the plans and particulars submitted with the planning application.

In addition, whilst there is no specific condition expressly limiting the use of the East Building, I consider the use of the first to third floors in the East Building is "specified or included" in the permission, and the use of these floors by the HSE for general office use would be inconsistent with that use.

Therefore, it does comply with Article 10(b) and (c) of the Planning and Development Regulations 2001 and is not considered exempted development.

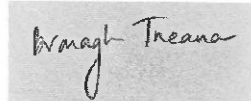
With regards to the remaining issues set out in the appeal, the Planning Authority consider that these issues have been previously addressed by the Planning Authority in our assessment of the development or are issues outside the consideration of the Section V Declaration.

Conclusion

The Planning Authority considered that the proposed development would not constitute Exempted Development.

The Planning Authority has noted the contents of the appeal and having regard to the above, we respectfully submit that the Board should uphold the decision of the Planning Authority that the proposed development would not constitute Exempted Development.

PLANNER SIGNATURE

A rectangular box containing a handwritten signature in cursive script that reads "Wright Treana".

DATE: 02/12/2021

