



Comhairle Cathrach Chorcaí Cork City Council

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

Corkteach Ltd,


12/08/2024

RE: Section 5 Declaration R850/24 7 Pope's Quay, Cork City.

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 09/05/2024, I wish to advise as follows:

A response to the further information request was received on 25/07/2024.

The applicant has submitted an updated floor plans with the floor area of the kitchens annotated. It is stated that the area of the kitchens is below 6.5sq.m. The submitted drawings also include an alternative floor plan option where the kitchen area forms part of the aggregate floor area of the living/ dining/ kitchen room. Both options are acceptable.

In view of the above and the previous report on file dated 04/06/2024 and having regard to –

- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended), and
- Articles 10(6) of the Planning and Development Regulations (as amended),

It is considered that the proposed *change of use from commercial (retail and office) use at ground and first floor level to provide 5 no. apartments* at 7 Pope's Quay **Is Development and Is Exempted Development.**



We are 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.

Is mise le meas,

David O'Regan

**David O'Regan,
Assistant Staff Officer,
Community, Culture &
Placemaking Directorate.**

PLANNER'S REPORT Ref. R850/24		Cork City Council Culture, Community and Placemaking
Application type	Section 5 Declaration	
Description	<i>Is the change of use from commercial (retail and office) use at ground and first floor level to provide 5 no. apartments exempted development?</i>	
Location	7 Popes Quay, Cork	
Applicant	Corkteach Ltd	
Date	12/08/2024	
Recommendation	<i>Is Development and Is Exempted Development.</i>	

This report should be read in conjunction with the previous report on the file dated 03/08/2023.

1. FURTHER INFORMATION REQUESTED

- Article 10(6)(d)(vii) of the Planning and Development Regulations, 2001 (as amended), states that *'rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.'* Habitable room is defined under Article 10(6) of the Regulations, as a *'room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres.'* The kitchens for the studio units appear to be separate rooms. The floor area of the kitchens has not been stated and the kitchens are not served by windows or have access to light. The applicant is requested to provide the floor area (sq.m.) of the kitchens for the studio units.

2. FURTHER INFORMATION PROVIDED AND ASSESSMENT

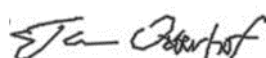
A response to the further information request was received on 25/07/2024.

The applicant has submitted an updated floor plans with the floor area of the kitchens annotated. It is stated that the area of the kitchens is below 6.5sq.m. The submitted drawings also include an alternative floor plan option where the kitchen area forms part of the aggregate floor area of the living/ dining/ kitchen room. Both options are acceptable.

In view of the above and the previous report on file dated 04/06/2024 and having regard to –

- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended), and
- Articles 10(6) of the Planning and Development Regulations (as amended),

It is considered that the proposed *change of use from commercial (retail and office) use at ground and first floor level to provide 5 no. apartments* at 7 Pope's Quay **Is Development** and **Is Exempted Development**.



Jan Oosterhof
A/ Executive Planner
09/08/2024

The Secretary,
Planning Department,
Cork City Council,
City Hall,
Cork.

21st July 2023

Re: Cork City Council Declaration ref. R850/24 - Section 5 Declaration seeking confirmation that the change of use from commercial (retail and office) use at ground and first floor level to provide 5 no. apartments at 7 Pope's Quay, Cork City is exempted development.

Dear Sir/Madam,

We, McCutcheon Halley Planning Consultants, of 6 Joyce House, Barrack's Square, Ballincollig, Co. Cork act on behalf of our client, Corkteach Ltd. and wish to respond to the City Council's request for further information under Section 5 Declaration ref. R850/24, requesting the following information:

"Article 10(6)(d)(vii) of the Planning and Development Regulations, 2001 (as amended), states that 'rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.' Habitable room is defined under Article 10(6) of the Regulations, as a 'room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres.' The kitchens for the studio units appear to be separate rooms. The floor area of the kitchens has not been stated and the kitchens are not served by windows or have access to light. The applicant is requested to provide the floor area (sq.m.) of the kitchens for the studio units."

In response to the Council's request we have provided two floor plan options i.e. **Option 1**: where the kitchens are self-contained/separate rooms; and **Option 2**: where the kitchen areas form part of the aggregate floor area of the living/dining/kitchen area combined.



Option 1: is based on the floor area of each of the kitchen areas for the studio units (i.e. units 1-4) where the kitchens are self-contained/separate rooms (see 'Plan A' on the attached drawings) with the kitchen floor areas summarised in the Table below.

Option 1 i.e. 'Plan A'	Kitchen Area (sq m) (where the kitchens are self-contained/separate rooms)
Studio 1	6.44
Studio 2	6.35
Studio 3	6.4
Studio 4	6.49

Table 1: Kitchen areas for the studio units no.s 1-4 (i.e. Option 1).

The above Table and kitchen arrangement is based on the studio apartments with self-contained kitchens where the Regulations state that a kitchen with a floor area of 6.5m² or more is deemed to be a habitable room and requires adequate natural lighting. However the Design Manual for Quality Housing and 2022 Apartment Guidelines contain a table showing minimum aggregate floor areas and a note that states "an enclosed (separate) kitchen should have a minimum floor area of 6.5 sq. metres". However, the Design Manual for Quality Housing and 2022 Apartment Guidelines, also contain another Note (see below) which states that "Variation of up to 5% can be applied to room areas and widths subject to overall compliance with required minimum overall apartment floor areas". Based on this, the minimum floor area reduces to 6.175m² and the Kitchen is no longer considered a habitable room that requires adequate natural lighting. All the enclosed (separate) kitchens for the Studio Apartments that are shown on the drawings as 'Plan A' have a floor area that is slightly less than 6.5m² and therefore comply with the Guidelines.

Minimum aggregate floor areas for living/dining/kitchen rooms, and minimum widths for the main living/dining rooms

Apartment type ***	Width of living/dining room	Aggregate floor area of living / dining / kitchen area*
Studio	4m**	30 sq m**
One bedroom	3.3 m	23 sq m
Two bedrooms (3 person)	3.6m	28 sq m
Two bedrooms (4 person)	3.6 m	30 sq m
Three bedrooms	3.8 m	34 sq m

* Note: An enclosed (separate) kitchen should have a minimum floor area of 6.5 sq. metres

** Note: Combined living/dining/bedspace, also includes circulation

*** Note: Variation of up to 5% can be applied to room areas and widths subject to overall compliance with required minimum overall apartment floor areas.

Figure 1: Extract from the Design Manual for Quality Housing (Chapter 5)/2022 Apartment Guidelines

Option 2: If the Council prefers that the Studio Apartments would not have enclosed (separate) kitchens, the attached drawings also provide an option (i.e. 'Alternative Plan') where the kitchen areas form part of the aggregate floor area of the living/dining/kitchen area is combined:

Option 2 i.e. 'Alternative Layout'	Aggregate Living Area (sq m) (where the living/dining/kitchen area is combined)
Studio 1	39.5
Studio 2	35.7
Studio 3	30.28
Studio 4	33.46

Table 2: Aggregate Living Areas for the studio units no.s 1-4 where the living/dining/kitchen area is combined (i.e. Option 2).

As can be seen from the above table and drawings (i.e. the 'Alternative Plan'), all of the aggregate floor areas of the combined living/dining/kitchen area are above the minimum 30 sq metres specified in the Design Manual for Quality Housing/2022 Apartment Guidelines.

In considering this further information, we would ask the Council to consider both floorplan options and issue the Section 5 declaration on the Option considered most acceptable to the Planning Authority, however in considering this further information response and based on the applicants experience on dealing with the City Council's Fire Officer on other similar projects during the Fire Safety Cert. Application process, it would be the applicants' preference (and City Council's Fire Officer's preference) for self-contained Kitchens i.e. **Option 1**.

Please do not hesitate to contact us should you require any further information.



Tom Halley

McCutcheon Halley



The Secretary,
Planning Department,
Cork City Council,
City Hall,
Cork.

7th May 2023

Re: Request for a Section 5 Declaration seeking confirmation that the change of use from commercial (retail and office) use at ground and first floor level to provide 5 no. apartments at 7 Pope's Quay, Cork City is exempted development.

Dear Sir/Madam,

We, McCutcheon Halley Planning Consultants, of 6 Joyce House, Barrack's Square, Ballincollig, Co. Cork act on behalf of our client, Corkteach Ltd. with an address at Enterprise House, Marina Commercial Park, Centre Park Road, Cork (T12 X4YW), who is the owner of 7 Pope's Quay (ground and first floor commercial units) in Cork City. Our client requests a declaration in accordance with Section 5 of the Planning and Development Act 2000 (as amended), seeking confirmation that the change of use from retail and office use at ground and first floor levels respectively to provide 5 no. apartments at 7 Pope's Quay, is exempted development on the basis that:

- The change of use from commercial (retail and office) use at ground and first floor level to provide 5 no. apartments at 7 Pope's Quay, Cork City, is exempted development under the Planning and Development Regulations.
- The associated works to facilitate the proposed use are predominantly internal works only and will not have a material impact on the external appearance of the structure.

The remainder of the declaration request is set out as follows:

1. **Site and Planning Context**
2. **Planning Legislation/Regulations**
3. **Assessment**
4. **Conclusion**

**DEVELOPMENT MANAGEMENT
CCP**

09 MAY 2024

CORK CITY COUNCIL

Site and Planning Context

The property subject of this declaration is located at ground and first floor level of a mixed use building located at 7 Pope's Quay in Cork's city centre. The building forms part of a development that was permitted as part of a mixed-use residential and commercial development at No.s 1-10 Pope's Quay under Cork City Council Ref. 92/17870. Previous section 5 declarations have been issued under R794-23 and R768-23 for the change of use to 2 no. apartments on both the ground and first floors respectively. This current declaration requests seeks to consolidate these previous requests under one declaration.

The surrounding area is comprised of a mix of uses but given its location in the City Centre, primary uses mostly consist of a mix of commercial and residential uses.



Figure 1 – Property at 7 Pope's Quay

The subject site comprises the ground and first floors of a six storey mixed-use (commercial and residential) building, with frontage and access onto Pope's Quay and Shandon Street. The commercial floors at ground and first floor level have been vacant for a number of years (i.e. greater than 2 years).



Figure 2 – Property at 7 Pope's Quay with area subject of change of use outlined in dashed red line.

In terms of the existing planning policy for the area, in the 2022 Cork City Development Plan (CDP) the site is zoned "ZO 5: City Centre" use. Based on objective ZO 5 of the CDP, it is an objective to "consolidate and facilitate the development of the central area and to promote its role as a dynamic mixed used centre for community, economic, civic, cultural and residential growth". Based on Section ZO 5.2 of the CDP, the primary purpose of this zone is to "promote the continued economic, civic, cultural and **residential growth** of the City Centre, and to create a thriving urban community."

While the building is also located within an ACA, the property at 7 Popes Quay is a modern building and our client is not proposing any material changes to the external finishes/appearance to the building – please refer to elevation drawings by McNamara and Partners.

Planning Legislation/Regulations

In order to assess this declaration request, regard must be had to the 2000 Planning and Development Act (as amended) and the 2001 Planning and Development Regulations (as amended). The 2018 Planning Regulations provided for an exemption from the requirement to obtain planning permission in respect of the change of use of certain vacant commercial premises, to residential use. On the 25th February 2022 the Planning and Development Act (Exempted Development) Regulations 2022 extended to 31st December 2025 the exemption given by the 2018 regulations and included some additional amendments/exemptions as outlined in Section 2.2.

i. Planning and Development Act, 2000 (As Amended)

Section 2 of the 2000 Planning and Development Act, as amended (PDA), includes the following definitions which are of relevance to this assessment

"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) of the PDA defines "Development" as, '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 of the PDA relates to 'Exempted Development' and subsection (1) sets out categories of development that shall be exempted development, including subsection 4(1)(h) which includes:

'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)(a) states that the Minister may by regulations provide for any class of development to be exempted development where he or she is of the opinion that the carrying out of such development by virtue of its size, nature or limited effect on its surroundings, would not offend against the principles of proper planning and sustainable development. **Section 4(2)(b)** of the Act states that regulations under paragraph (a) may be made subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

Planning and Development Regulations, 2001 (As Amended)

The extent to which the classes of development specified in Part 1 of the Second Schedule are exempted is governed by Article 9(1)(a) and that article is itself subject to the restrictions on exemption which includes the following:

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,



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(iii) endanger public safety by reason of traffic hazard or obstruction of road users;

(iv) ... comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed

(viiB) ... development that would be likely to have a significant effect on the integrity of a European site...

(viiC) ... development that would be likely to have an adverse impact on a natural heritage area...

(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,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(xi) obstruct any public right of way,

(xii) consist of or comprise the carrying out of works to the exterior of a structure within an architectural conservation area...

In addition to this, Article 10 further outlines the classes of development which are exempted. Article 10 (6) (as amended under SI 600 of 2001) The Principal Regulations are amended in article 10 (as amended by article 2 of the Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018)) by substituting for sub article (6) the following:

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2.

(d) (i) The development is commenced and completed during the relevant period.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall -

(I) primarily affect the interior of the structure,

(II) retain 50 per cent or more of the existing external fabric of the building, and



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- (III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.*
- (iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.*
- (iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.*
- (iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.*
- (v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.*
- (vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.*
- (vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.*
- (viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.*
- (ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.*
- (x) No development shall relate to any structure in any of the following areas:*
 - (I) an area to which a special amenity area order relates;*
 - (II) an area of special planning control;*
 - (III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.*
- (xi) No development shall relate to matters in respect of which any of the restrictions set out in sub-paragraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.*

Each of the above conditions/restrictions are considered further in relation to our clients proposed development in the section below.

Assessment

In this case, our client requests a declaration in accordance with Section 5 of the Planning and Development Act 2000, seeking confirmation that the change of use from retail and office use at ground and first floor level respectively to provide 5 no. apartments at 7 Pope's Quay, is exempted development in accordance with the 2022 Regulations, on the basis that:

1. The structure at 7 Pope's Quay was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018 (i.e. on the 8th February 2018).
2. The proposed works comply with the requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
3. The structure has been vacant for greater than 2 years.
4. The works will be commenced and completed between 8th February 2018 and 31st December 2025.

In addition to the above, the proposed change of use also complies with the provisions of Article 9(1)(a) of the Planning Regulations in that the proposed change of use:

- will not contravene a condition attached to a permission.
- will not consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway.
- will not endanger public safety by reason of traffic hazard or obstruction of road users.
- will not comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building.
- will not interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation.
- will not have any effect on the integrity of a European site or natural heritage area.
- will not consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure.
- will not preclude or restrict the continuance of the existing use.
- will not obstruct any public right of way.
- will not comprise works to a protected structure or the carrying out of material works to the exterior of a structure within an architectural conservation area – as can be seen from the existing and proposed drawings by McNamara and Partners, the works are predominantly internal only and do not materially affect the external appearance of the building.
- Does not consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan.
- Does not exceed 9 residential units.
- The apartment floor areas and storage spaces comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" – See Table below for details
- The habitable rooms have good quality natural lighting.

- The development does not relate to a structure in a special amenity area/planning control and is not near a Seveso site.

The proposed plan for this building is to make use of a vacant property in the heart of the City Centre to provide essential residential accommodation.

The proposed plans provide a high-quality living environment for prospective residents and complies with the key criteria outlined in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities.

Minimum Width/Areas	Sustainable Housing Design Standards for New Apartments 2022	Unit 1 Studio	Unit 2 Studio	Unit 3 Studio	Unit 4 Studio	Unit 5 1 bed Apt
Floor Area	37 sqm – Studio 45 sqm – 1 bed apt	50sqm	50sqm	38.2sqm	49.82sqm	49.2sqm
Storage Space	3 sqm – Studio 3 sqm – 1 bed apt	3sqm	5.8sqm	3.2sqm	3.4sqm	3sqm
Width Area for Kitchen/Living/Dining	4 m – Studio 3.3m – 1 bed apt	4.2m	4.2m	4m	4.8m	2.8m
Aggregate Area for Kitchen/Living/Dining	30 sqm – Studio 23 sqm – 1 bed apt	39.5sqm	35.7sqm	30.28sqm	33.46sqm	24.5sqm
Area/Width for Bedroom	30sqm/4sqm - studio 11.4sqm/2.8sqm - 1 bed apt	50sqm / 4.2m	50sqm / 4.2m	38.2sqm / 4m	49.82sqm / 4.8m	11.6sqm / 2.9m

Table 1: Compliance with the standard outlined in the 2022 Apartment Guidelines

In addition to compliance with the apartment standards outlined above, there is also provision for bin and bike storage on the ground floor, to comply with this aspect of the 2022 Guidelines.

In considering this declaration request, it also should be noted that based on a review of other Section 5 Declarations made by the Council in recent years regarding the change of use from commercial to residential uses in the City Centre, a requirement to adhere to private and communal amenity spaces has not always been requested for development to be deemed exempted. Planning Ref. R639/21 and the two previous declarations issued on this site (ref.s R794-23 and R768-23) are case examples. Under Planning Ref. R639/21 the Planning report referred to the Apartment Guidelines and as part of the assessment the report outlined the following:

“The applicants have submitted details of floor areas for each proposed apartment on the submitted floor plan drawings. It is noted that the proposed development accords with the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, in terms of minimum floor areas. Adequate natural lighting has been provided for habitable rooms. In this regard, it is considered that the proposed

development complies with the exempted development provisions set out in Planning and Development (Amendment) (No.2) Regulation, 2018."

The case planner did not refer to private and communal amenity standards as part of their decision-making, with neither provided as part of the proposed works detailed under R639/21.

We would also like to make the case that Section 6.9 of the Guidelines allow for departures from the requirements of the Guidelines and specifically request planning authorities to:

"practically and flexibly apply the general requirements of these guidelines in relation to refurbishment schemes, particularly in historic buildings, some urban townscapes and 'over the shop' type or other existing building conversion projects, where property owners must work with existing building fabric and dimensions. Ultimately, building standards provide a key reference point and planning authorities must prioritise the objective of more effective usage of existing underutilised accommodation, including empty buildings and vacant upper floors commensurate with these building standards requirements."

Considering the location of the property, in the heart of Cork City Centre, we contend that the standards regarding private and communal amenities should not be considered a priority in this assessment. The property is surrounded by a plethora of amenities and nearby facilities.

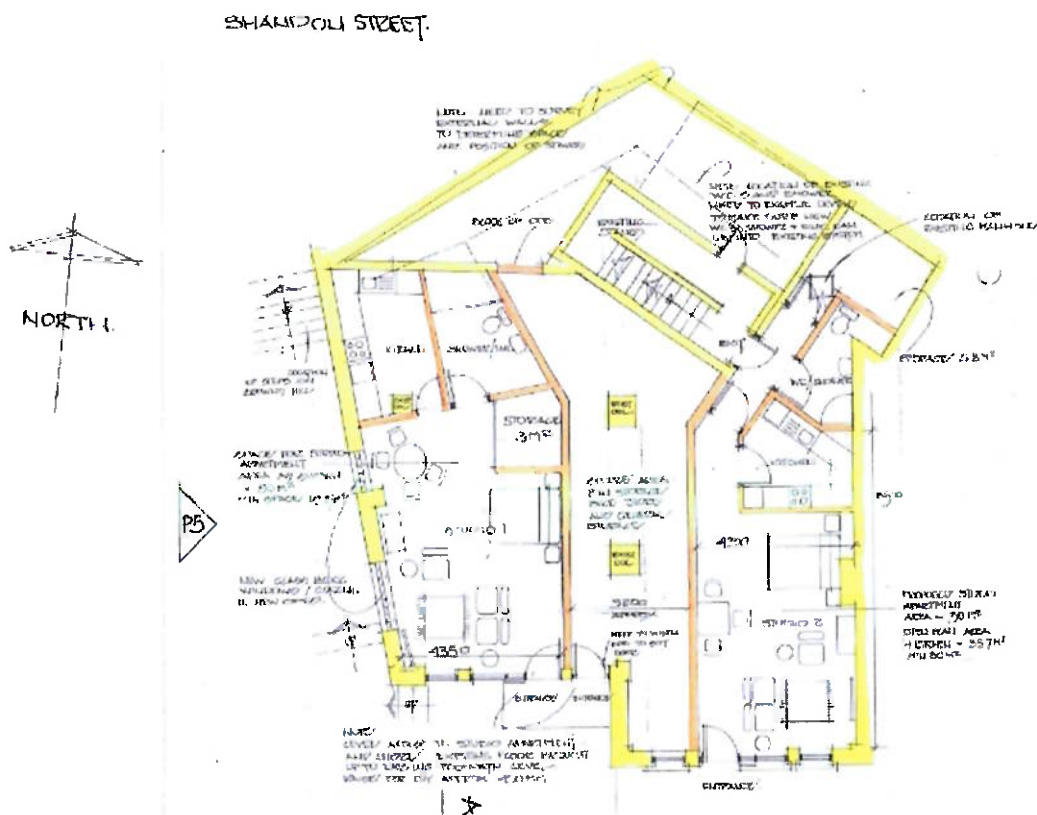


Figure 2 – Proposed ground floor layout

Conclusion

The proposed change of use from commercial (retail and office) use at ground and first floor level to provide 5 no. apartments complies with the criteria included in the Planning Regulations and the physical/proposed works are exempted development under Section 4(1)(h) of the Planning and Development Act.

Previous Section 5 declarations have been issued under R794-23 and R768-23 for the change of use to 2 no. apartments on both the ground and first floors of No. 7 Popes Quay, respectively. This current declaration request seeks to consolidate these two previous requests under one declaration.

Accordingly, it is submitted that the change of use from commercial (retail and office) use to provide 5 no. apartments at 7 Pope's Quay, Cork City, is exempted development on the basis that:

- **The change of use from commercial (retail and office) use at ground and first floor level to provide 5 no. apartments at 7 Pope's Quay, Cork City, is exempted development under the Planning and Development Regulations.**
- **The associated works to facilitate the proposed use are predominantly internal works only and will not have a material impact on the external appearance of the structure.**

In accordance with the Council's requirements for Section 5 declarations please find enclosed 2 no. copies of the following information:

1. This cover letter and declaration form which includes the applicant's name and address; the location of development; and the nature of development.
2. The correspondence address which is: McCutcheon Halley Planning Consultants, 6 Joyce House, Barrack Square, Ballincollig, Cork City.
3. Ordnance Survey Map (identifying site location),
4. Drawings and Plans for the proposed residential units by McNamara and Partners.
5. The appropriate referral fee of €80.

Please do not hesitate to contact us should you require any further information.

Tom Halley

McCutcheon Halley

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: 021-4924029

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

Corkteach Ltd.

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

7 Pope's Quay, Cork.

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.

Seeking confirmation that the change of use from commercial (retail and office) use at ground and first floor level to provide 5 no. apartments at 7 Pope's Quay, Cork City is exempted development - see attached cover letter for further details.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

See attached cover letter for further details.

DEVELOPMENT MANAGEMENT
CCP
09 MAY 2024
CORK CITY COUNCIL

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

If so please supply details: No.

5. Is this a Protected Structure or within the curtilage of a Protected Structure? ☐ No

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? ☐ N/A

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

If so please supply details:

Yes - 92/17870 and previous section 5 declarations issued under R794-23 and R768-23.

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	356sq m (existing and proposed)
(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) Retail (Ground Floor) Office (First Floor)	Proposed/existing use (please circle) Residential (2 no. apartments - Ground Floor) Residential use (3 no. apartments - First Floor)

7. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question		
If you are not the legal owner, please state the name of the owner if available		

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

Signature: _____

Date: 07/05/2024

CONFIDENTIAL CONTACT DETAILS

These details will not be made available to the public.

9. Applicant:

Name(s)	Corkteach Ltd.
Address	[REDACTED]

10. Person/Agent acting on behalf of the Applicant (if any):

Name(s):	McCutcheon Halley Planning Consultants
Address:	[REDACTED]
Telephone:	[REDACTED]
E-mail address:	[REDACTED]
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"/>

11. Owner Details (if the applicant above is not the legal owner):

Name(s)	As above
Address	As above

12. ADDITIONAL CONTACT DETAILS

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application.

Tel. No.

Mobile No.

Email Address:

For Office Use Only:

File Ref. No. _____

ADVISORY NOTES:

The application must be accompanied by the required fee of €80. Payment may be made at the Cork City Council cash desk, by cheque, by telephone with a credit/debit card, or by electronic fund transfer.

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.**

Please email planning@corkcity.ie with any queries.

- 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.

1. Plan, drawings and maps accompanying an application for a Section 5 Declaration on exempted development shall all be in metric scale and comply with the following requirements:-
 - * NOTE 2 COPIES OF PLANS AND PARTICULARS ARE REQUIRED
 - (a) site or layout plans shall be drawn to a scale of not less than 1:500 (which shall be indicated thereon), the site boundary shall be clearly delineated in red, and buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant tree stands and other features on, adjoining or in the vicinity of the land or structure to which the application relates shall be shown, land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land, which is subject of the application, shall be outlined in blue and wayleaves shall be shown in yellow,
 - (b) other plans, elevations and sections shall be drawn to a scale of not less than 1:200 (which shall be indicated thereon), or such scale as may be agreed with the Planning Authority prior to the submission of the application in any particular case,
 - (c) the site layout plan and other plans shall show the level or contours, where applicable, of any land and the proposed structures relative to Ordnance survey datum or a temporary local benchmark,
 - (d) drawings of elevations of any proposed structure shall show the main features of any buildings which would be contiguous to the proposed structure if it were erected, whether on the application site or in the vicinity at a scale of not less than 1:200, as may be appropriate,
 - (e) plans relating to works comprising reconstruction, alteration or extension of a structure shall be so marked or coloured as to distinguish between the existing structure and the works proposed,
 - (f) plans and drawings of floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height) of any proposed structure and the site, and site layout plans shall indicate the distances of any such structure from the boundaries of the site,
 - (g) any map or plan which is based on an Ordnance Survey map shall indicate the relevant Ordnance survey sheet number,
 - (h) the north point shall be indicated on all maps and plans other than drawings of elevations and sections,
 - (i) plans and drawings shall indicate the name and address of the person by whom they were prepared.
2. An application for development consisting of or comprising the carrying out of works to a protected structure, or proposed protected structure or to the exterior of a structure which is located within an architectural conservation area in a draft of a proposed development plan or a proposed variation of a development plan, shall, in addition to meeting the requirements above, be accompanied by such photographs, plans and other particulars as are necessary to show how the development would affect the character of the structure.
3. A planning authority may, by notice in writing, require an applicant to provide additional copies of any plan, drawing, map, photograph or other particular, which accompanies the application.

Corkteach Ltd,
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]/06/2024

RE: Section 5 Declaration R850/24 7 Pope's Quay, Cork City.

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) "Article 10(6)(d)(vii) of the Planning and Development Regulations, 2001 (as amended), states that '*rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.*' Habitable room is defined under Article 10(6) of the Regulations, as a '*room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres.*' The kitchens for the studio units appear to be separate rooms. The floor area of the kitchens has not been stated and the kitchens are not served by windows or have access to light. The applicant is requested to provide the floor area (sq.m.) of the kitchens for the studio units."

Is mise le meas,

David O'Regan

Assistant Staff Officer,
Community, Culture &
Placemaking Directorate

PLANNER'S REPORT Ref. R850/24		Cork City Council Culture, Community and Placemaking
Application type	Section 5 Declaration	
Description	<i>Is the change of use from commercial (retail and office) use at ground and first floor level to provide 5 no. apartments exempted development?</i>	
Location	7 Popes Quay, Cork	
Applicant	Corkteach Ltd	
Date	05/06/2024	
Recommendation	<i>Request further information.</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:

Seeking confirmation that the change of use from commercial (retail and office) use at ground and first floor level to provide 5 no. apartments at 7 Pope's Quay, Cork City is exempted development.

A supporting cover letter has been submitted with the section 5 request.

3. SITE DESCRIPTION

The subject site comprises the ground floor of No. 7 Pope's Quay which is a two-storey commercial unit that forms part of a 6-storey mixed use development which fronts onto Pope's Quay and has frontage onto Shandon Street. Access is at first floor level from Shandon Street with access at ground floor level from Pope's Quay. The unit is currently vacant.

The subject site is located with Shandon Architectural Conservation Area.

4. PLANNING HISTORY

Planning Applications

There is no recent planning history at the subject site.

Permission was granted under Planning ref. 92/17870 for a mixed-use development consisting of 42 no. dwelling units and commercial development at 51B/ 52/ 53A and 54-58 Shandon Street and 1-10 Pope’s Quay, Cork.

Section 5

Section 5 Reference: R794/23

Question: Whether the change of use from commercial use at first floor level to provide 2 no. apartments is exempted development.

Outcome: Is Development and is Exempted Development.

Section 5 Reference: R768/23

Question: Whether the change of use from commercial (retail) use at ground floor level to provide 2 no. apartments is exempted development.

Outcome: Is Development and is Exempted Development.

Section 5 Reference: R377/15

Question: Whether the change of use from previous use as second hand goods retail unit to furniture store requires planning permission.

Outcome: Proposal is not development

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, 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.*

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)(a),

The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

- i) By reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*
- ii) The development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation*

(howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

Section 4(2)(b)

Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

Section 4(2)(c)

Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a), provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act.

Section 5(1),

(See section 1 of this report)

Section 57(1)

Notwithstanding section 4(1)(a), (h), (i), (ia), (j), (k), or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

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 9 (1)(a)

Development to which article 6 relates shall not be exempted development for the purposes of the Act –

- (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,*
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,*
- (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*
- (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,*
- (xi) obstruct any public right of way,*
- (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,*

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 –

- (a) involve the carrying out of any works other than works which are exempted development,*
- (b) contravene a condition attached to a permission under the Act,*
- (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.*

Article 10(6)

(a) In this sub-article—

‘habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

‘relevant period’ means the period from 8 February until 31 December 2025.

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2.

(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—

- (i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,*
- (ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12 and*
- (iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,*

then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

(d) (i) The development is commenced and completed during the relevant period.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall

(I) primarily affect the interior of the structure

(II) retain 50 per cent or more of the existing external fabric of the building, and

(III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

- (viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.
- (ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.
- (x) No development shall relate to any structure in any of the following areas:
 - (I) an area to which a special amenity area order relates;
 - (II) an area of special planning control;
 - (III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.
- (xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.
- (xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.
- (e)(i) Where a person proposes to undertake development to which paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works related to the proposed change of use and any related works;
- (ii) Details of each notification under subparagraph (i), which shall include information on—
 - (I) the location of the structure,
 - (II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, and
 - (III) the Eircode for the relevant property,
 Shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.
- (iii) During the years 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026 each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii).

6. ASSESSMENT

The purpose of this report is to assess whether or not the matter in question constitutes development and whether it falls within the scope of exempted development. Matters pertaining to the acceptability of the proposal in respect of the proper planning and sustainable development of the area is not a consideration under section 5.

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: '(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.'

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' as defined in section 2(1) of the Act '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.'

The proposed change of use requires the carrying out of internal works (amendments to the internal layout of the unit) and some alterations to existing fenestration.

The previously established use on the site is stated as being retail and office use. The proposed residential use is not within the same class use as the established use and would therefore constitute a material change of use.

The proposal constitutes a material change of use and involves the carrying out of works. The proposed change of use therefore constitutes development.

CONCLUSION:

- **Change of use and associated works constitutes development.**

6.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development. The applicant is relying on the exemption set out by Article 10(6) of the *Planning and Development Regulations 2001* (as amended).

Sufficient information (drawings, schedule of accommodation etc.) has been submitted to allow an assessment of the proposal to be undertaken against the criteria listed in Article 10(6) of the Planning and Development Regulations and this is assessed in detail below.

ARTICLE	REQUIREMENT	ASSESSMENT
10(6)(b)	This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2	<p>It is stated in the application that the unit was in retail and office use.</p> <p>A previous section 5 (Ref. R377/15) at the subject site indicates that that the unit was for a period in commercial use as a retail unit.</p> <p>A sales listing/ brochure for the property (found online) indicates that the unit was being sold/ advertised as an office. There is no record of any change of use from the permitted retail to office use.</p> <p>No documentation has been submitted indicating the former uses on the site.</p> <p>I am satisfied that sufficient evidence exists to suggest the unit was previously in retail use (with ancillary office space) and I am of the view that</p>

		the proposed change of use accords with this sub-article.
10(6)(c)(i)	The structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018	The structure was constructed prior to the making of the regulations.
10(6)(c)(ii)	The structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12 and	<p>It is stated in the documentation submitted that the unit was in retail use and office use (Class 1 and Class 3).</p> <p>A previous section 5 (Ref. R377/15) at the subject site indicates that that the unit was in commercial use as a retail unit (class 1 and class 3).</p> <p>I am satisfied that sufficient evidence exists to suggest the unit was previously in retail use (with ancillary office use) and I am of the view that the proposed change of use accords with this sub-article.</p>
10(6)(c)(iii)	The structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development	<p>It is stated in the cover letter submitted with the application that the site has been vacant for greater than 2 years. No information has been submitted to demonstrate same. Google street view indicates the unit has been vacant for greater than 2 years.</p> <p>I am satisfied that the proposed change of use accords with this sub-article.</p>
10(6)(d)(i)	The development is commenced and completed during the relevant period.	The applicant is required to comply with this requirement.
10(6)(d)(ii)	Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall – (I) primarily affect only the interior of the structure, (II) retain 50 per cent or more of the existing external fabric of the building, (III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.	<p>A review of the existing and proposed floor plans indicates that the required works primarily affect the interior of the building (layout changes, provision of internal partitions etc.).</p> <p>The only external change proposed is amendments to existing fenestration and provision of access to the proposed units.</p> <p>I am satisfied that the proposed external works do not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.</p>
10(6)(d)(iii)	Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the	Minor works are proposed to the existing shopfront. These primarily relate to amending the existing fenestration pattern. It is considered that the alterations would not be inconsistent with the fenestration details and streetscape

	remainder of the structure or of neighbouring structures	<p>character of the structure or neighbouring structures.</p> <p>I am satisfied that the proposed change of use accords with this sub-article.</p>
10(6)(d)(iv)	No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.	<p>The subject site is zoned ZO 5 – City Centre.</p> <p>Residential development is acceptable within this zoning. The proposed change of use accords with this sub-article.</p>
10(6)(d)(v)	No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.	The proposed change of use accords with this sub-article.
10(6)(d)(vi)	Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.	Please see separate discussion/ assessment below.
10(6)(d)(vii)	Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.	<p>It is noted that the kitchens for the studio units are a separate room. None of the kitchens have windows/ access to light.</p> <p>Habitable room is defined under Article 10(6) of the Planning Regulations as a ‘<i>room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres.</i>’</p> <p>The area of the kitchens in the studio units has not been stated. The applicant will be requested to provide the area of kitchens. Further information is recommended in this regard.</p>
10(6)(d)(viii)	No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued	<p>The subject site is not a protected structure.</p> <p>The proposal accords with this sub-article.</p>

	a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.	
10(6)(d)(ix)	No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.	<p>Permission was granted under planning reg. 92/17870 (ABP Ref. PL 28.090810) for a mixed-use development consisting of 42 no. dwelling units and commercial development at 51B/ 52/ 53A and 54-58 Shandon Street and 1-10 Pope's Quay, Cork.</p> <p>I am satisfied that that the proposal does not contravene a condition attached to a permission.</p> <p>The proposed change of use accords with this sub-article.</p>
10(6)(d)(x)	No development shall relate to any structure in any of the following areas: (I) an area to which a special amenity area order relates; (II) an area of special planning control; (III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.	The proposed change of use accords with this sub-article.
10(6)(d)(xi)	No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.	The proposed change of use accords with this sub-article.
10(6)(d)(xii)	No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.	N/A

Compliance with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities."

The applicant has submitted a schedule of accommodation with the proposed application. The proposed studios/ apartments comply with the minimum floor area requirements as set out in Appendix 1 of the Apartment Guidelines.

All the proposed units comply with or exceed the minimum storage requirements.

As set out above, the kitchens for the studio units appear to be separate rooms. None of the kitchen have windows/ access to light. Habitable room is defined under Article 10(6) of the Planning Regulations as a *'room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres.'* The area of the kitchens has not been stated. The applicant will be requested to provide the area (sq.m.) of the kitchens by way of further information.

CONCLUSION:

- Request further information.

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.

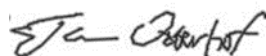
7.2 Screening for Appropriate Assessment

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. RECOMMENDATION

Request further information.

- 1) Article 10(6)(d)(vii) of the Planning and Development Regulations, 2001 (as amended), states that *'rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.'* Habitable room is defined under Article 10(6) of the Regulations, as a *'room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres.'* The kitchens for the studio units appear to be separate rooms. The floor area of the kitchens has not been stated and the kitchens are not served by windows or have access to light. The applicant is requested to provide the floor area (sq.m.) of the kitchens for the studio units.



Jan Oosterhof
A/ Executive Planner
04/06/2024

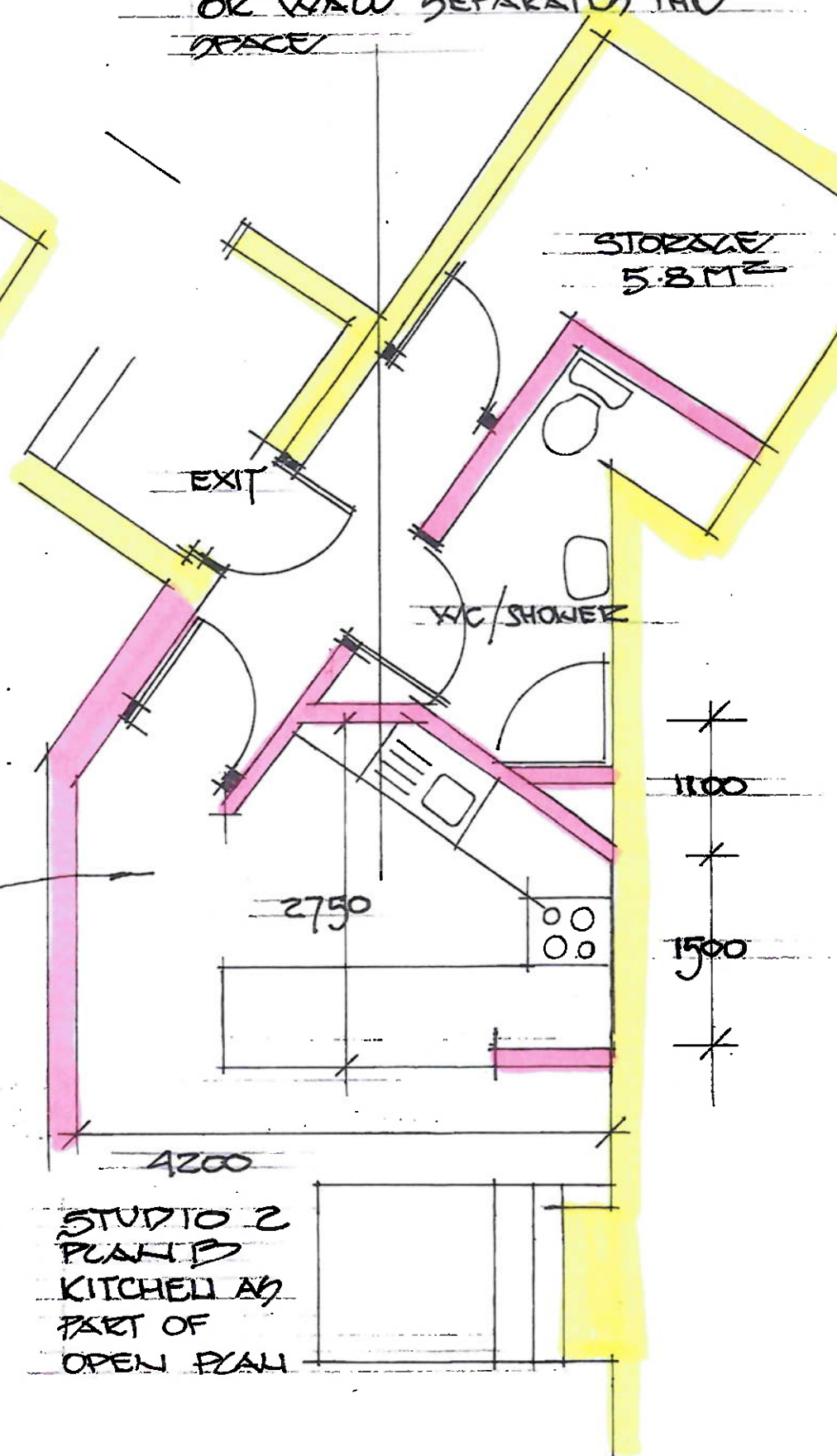
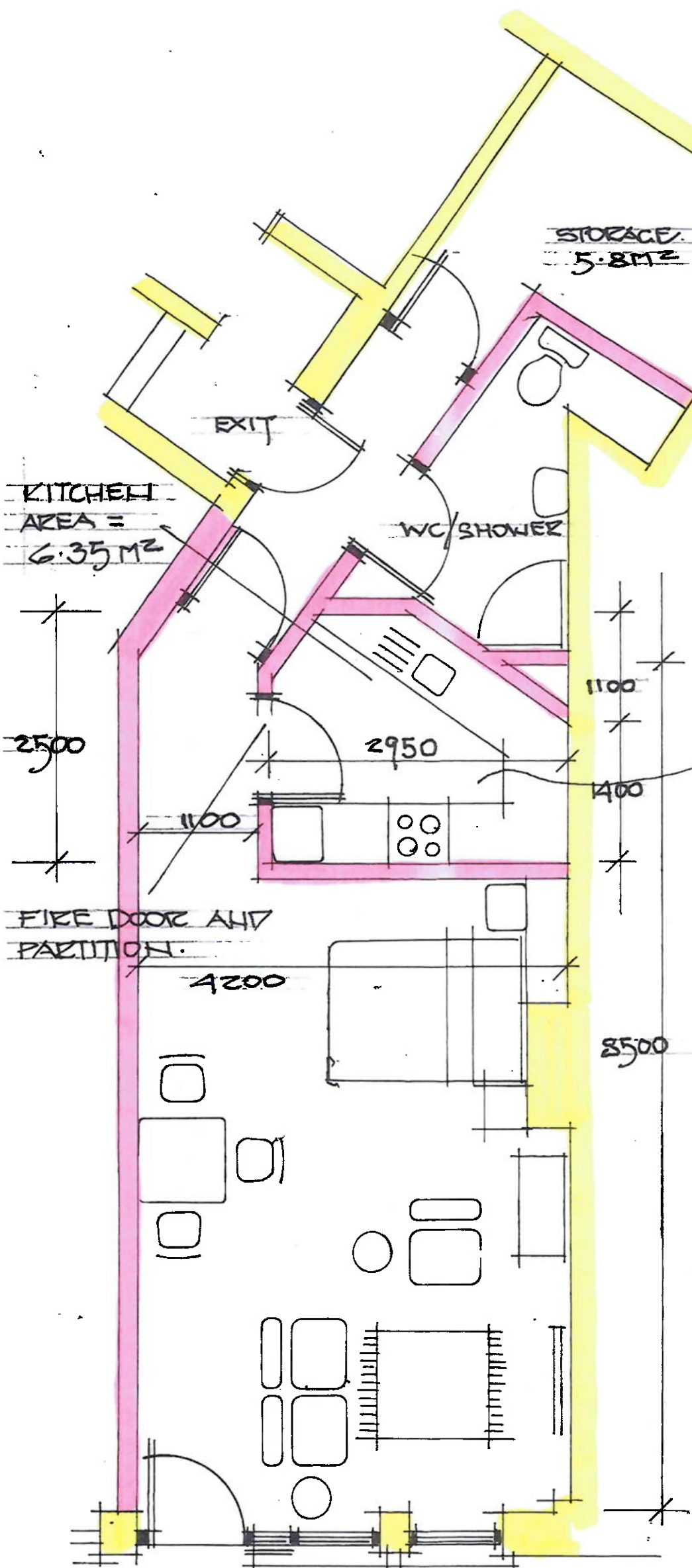


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ALTERNATIVE LAYOUT FOR
THE KITCHEN AREA WHERE
A COUNTER IS FORMED AS
THE DIVIDE AND NO DOOR
OR WALL SEPARATES THE
SPACE



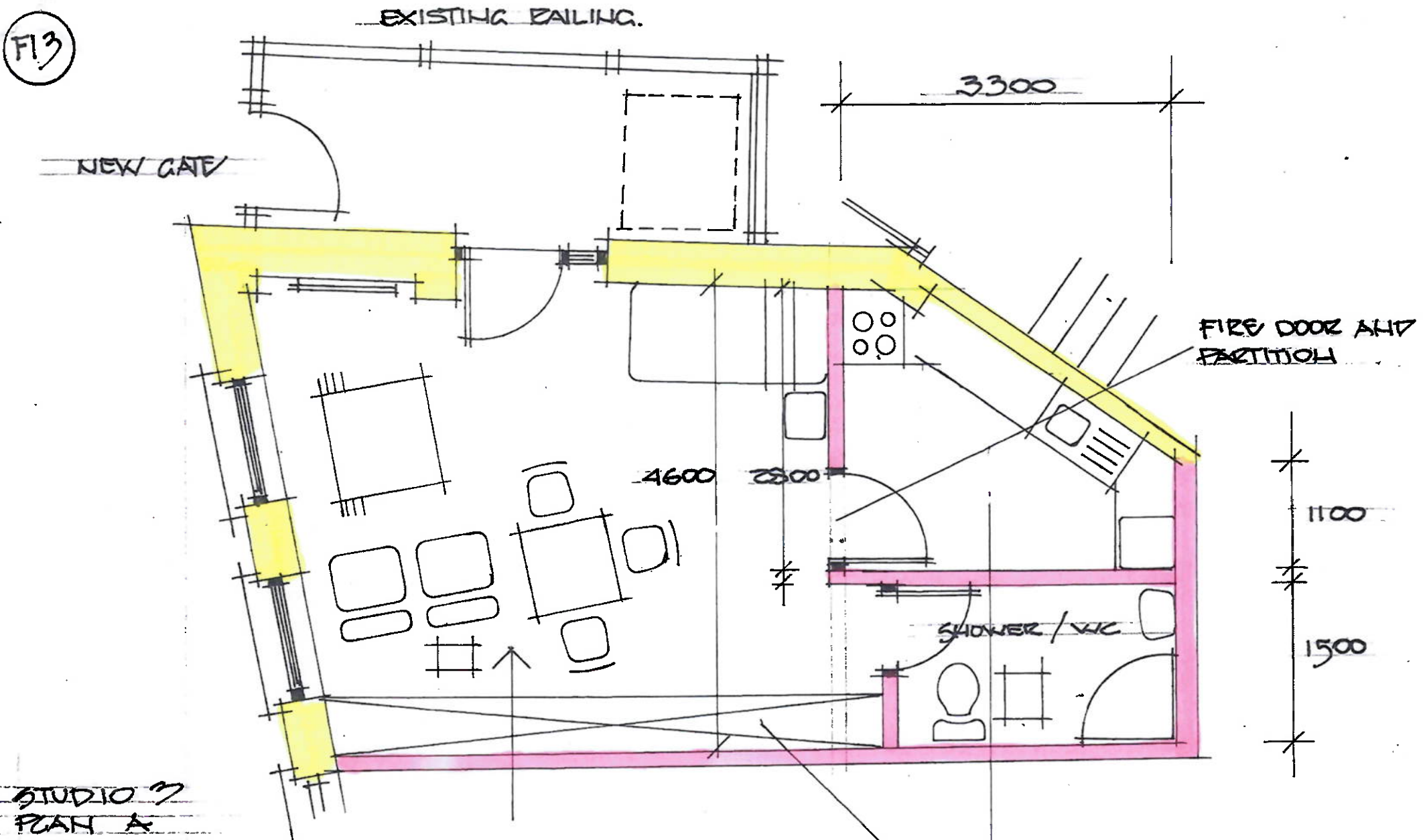
STUDIO 2
PLAN B
KITCHEN AS
PART OF
OPEN PLAN

STUDIO APARTMENT NO. 2
FLOOR AREA = 50 M²
MIN FLOOR AREA = 37 M²
LIVING / DINING / BEDSPACE
AND KITCHEN = FLOOR
AREA 35.7 M²
MIN ALLOWABLE = 30 M²

APARTMENTS AT
NO. 7 POPES QUAY
FOR CORKTEACH LTD
DATE: 11.7.24 JOB NO. 1424A
SCALE: 1:50 DRG. NO. F12
DRAWN: PAT HICGESSON

STUDIO 2
PLAN A
KITCHEN SELF CONTAINED.

F13



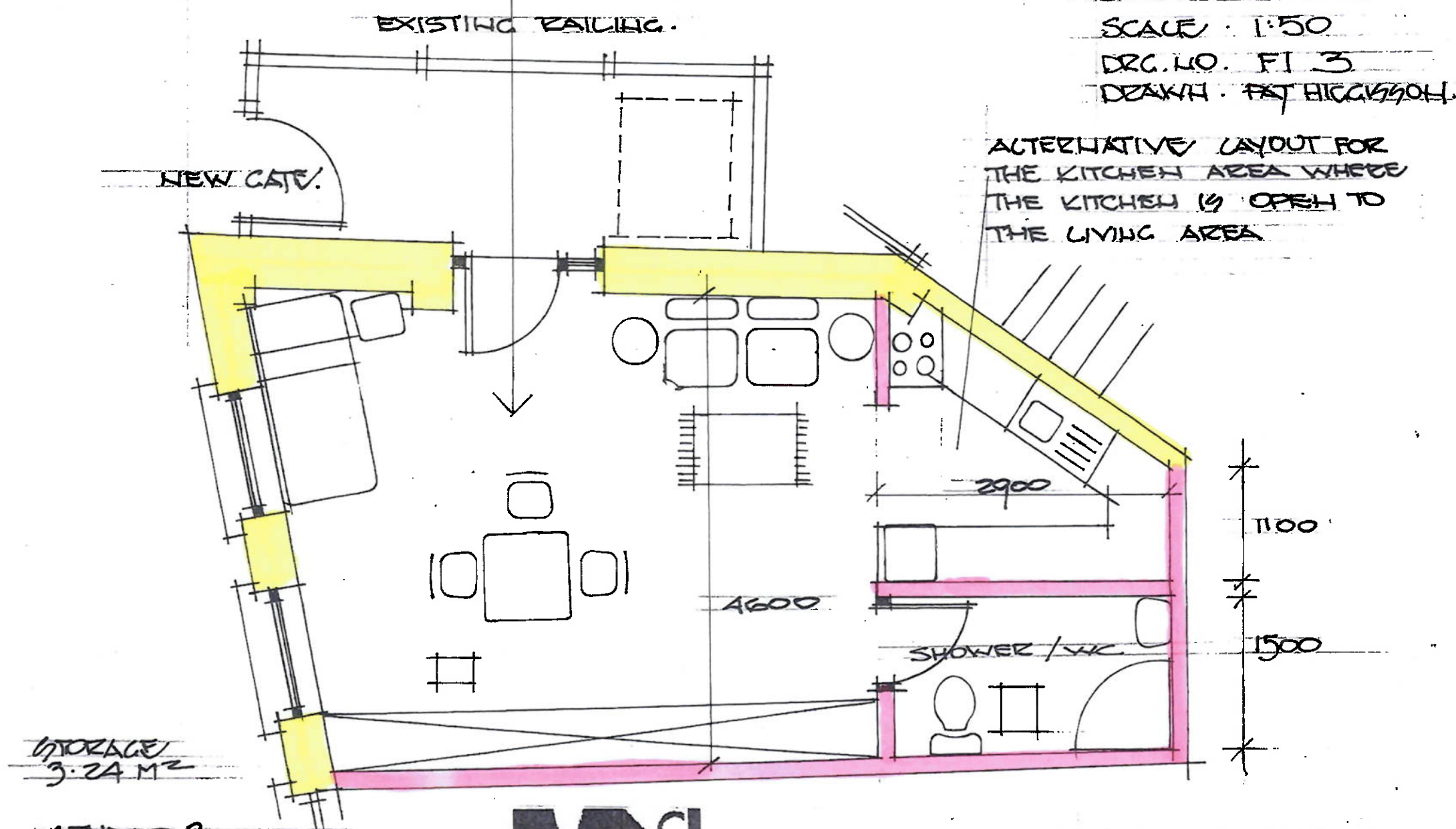
STUDIO 3
PLAN A
KITCHEN SELF
CONTAINED.

STUDIO APARTMENT NO. 3
FLOOR AREA = 38.2 M²
MIN FLOOR AREA = 37 M²
LIVING / DINING / BEDSPACE/
AND KITCHEN = 30.28 M²
MIN ALLOWABLE = 30 M²

KITCHEN
FLOOR AREA = 6.4 M²

STORAGE 0.6 x 5.4
= 3.24 M²

DATE: 12.7.24
JOB NO. 1424A
SCALE: 1:50
DRC. NO. F1 3
DRAWN: PAT HIGGINS



STORAGE
3.24 M²

STUDIO 3
PLAN B
KITCHEN AS PART
OF OPEN PLAN

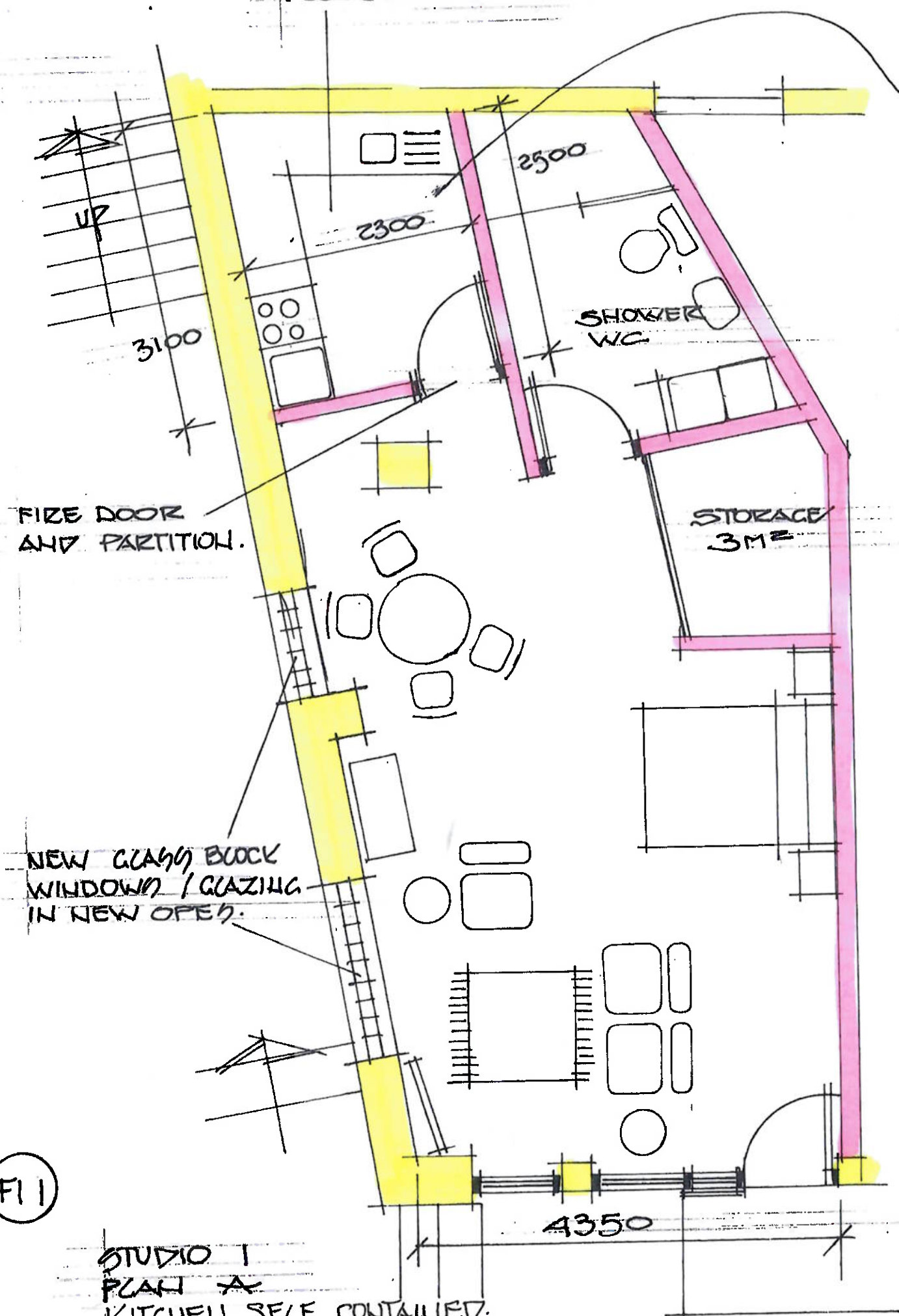


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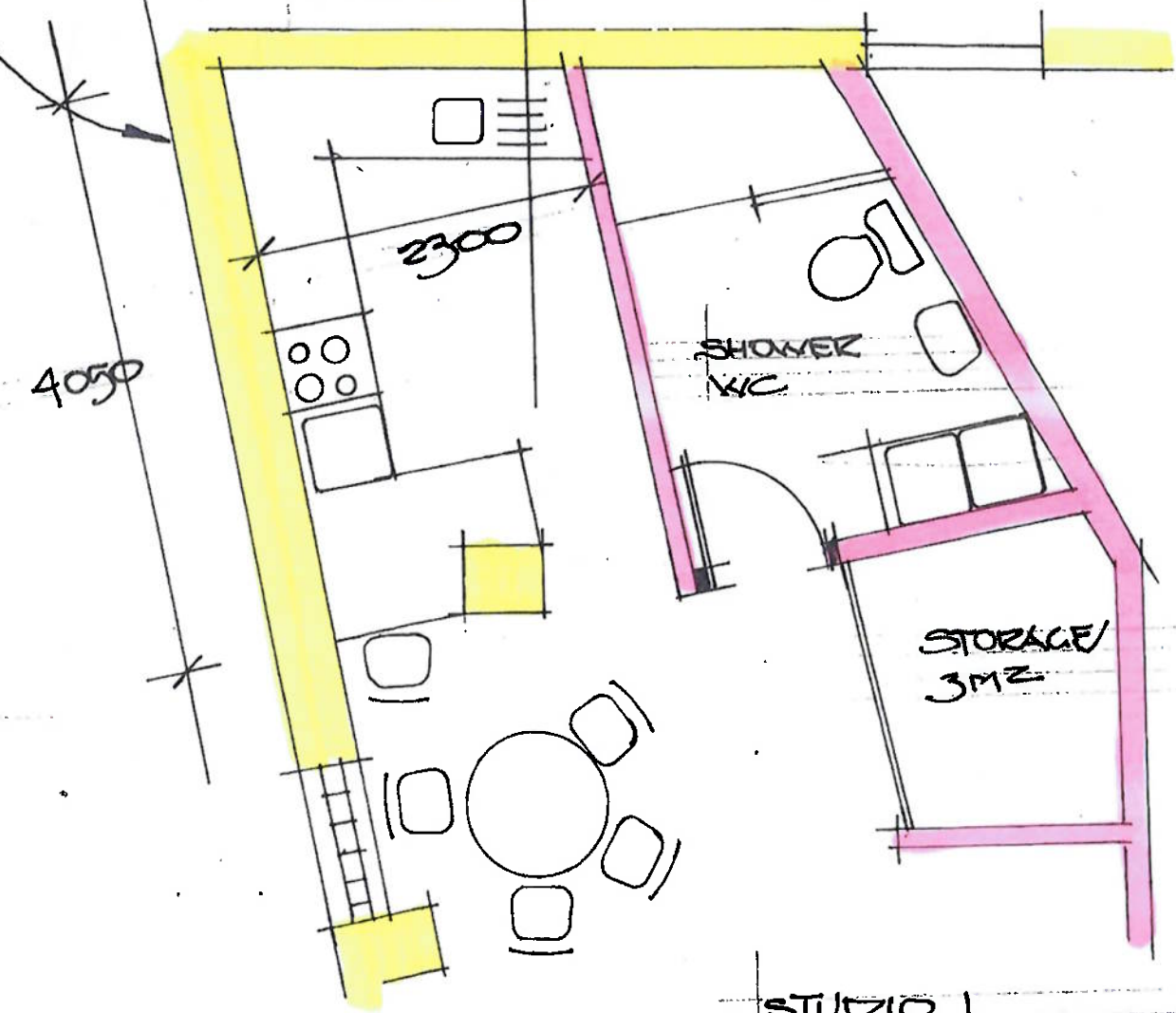
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APARTMENTS AT
NO. 7 POPES QUAY
FOR CORKTEACH LTD

KITCHEN
FLOOR AREA = 6.44M²



ALTERNATIVE LAYOUT FOR
THE KITCHEN AREA WHERE
A COUNTER IS FORMED AT THE
COLUMN AND NO DOOR OR WALL SEPARATES THE SPACE.



STUDIO 1
PLAN B
KITCHEN AS PART OF OPEN PLAN



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STUDIO APARTMENT NO 1
FLOOR AREA = 50 M²
MIN FLOOR AREA = 37 M²
LIVING / DINING / BEDSPACE
AND KITCHEN = FLOOR AREA
OF 39.5 M²
MIN ALLOWABLE = 30 M²

APARTMENTS
AT NO. 7 POPES QUAY
FOR CORKTEACH LTD
DATE: 11.7.24
JOB NO. 1424A
SCALE: 1:50
DRC. NO. F1 1
DRAWN: PAT HIGGINS

F11

STUDIO 1
PLAN A
KITCHEN AS PART OF OPEN PLAN

F14

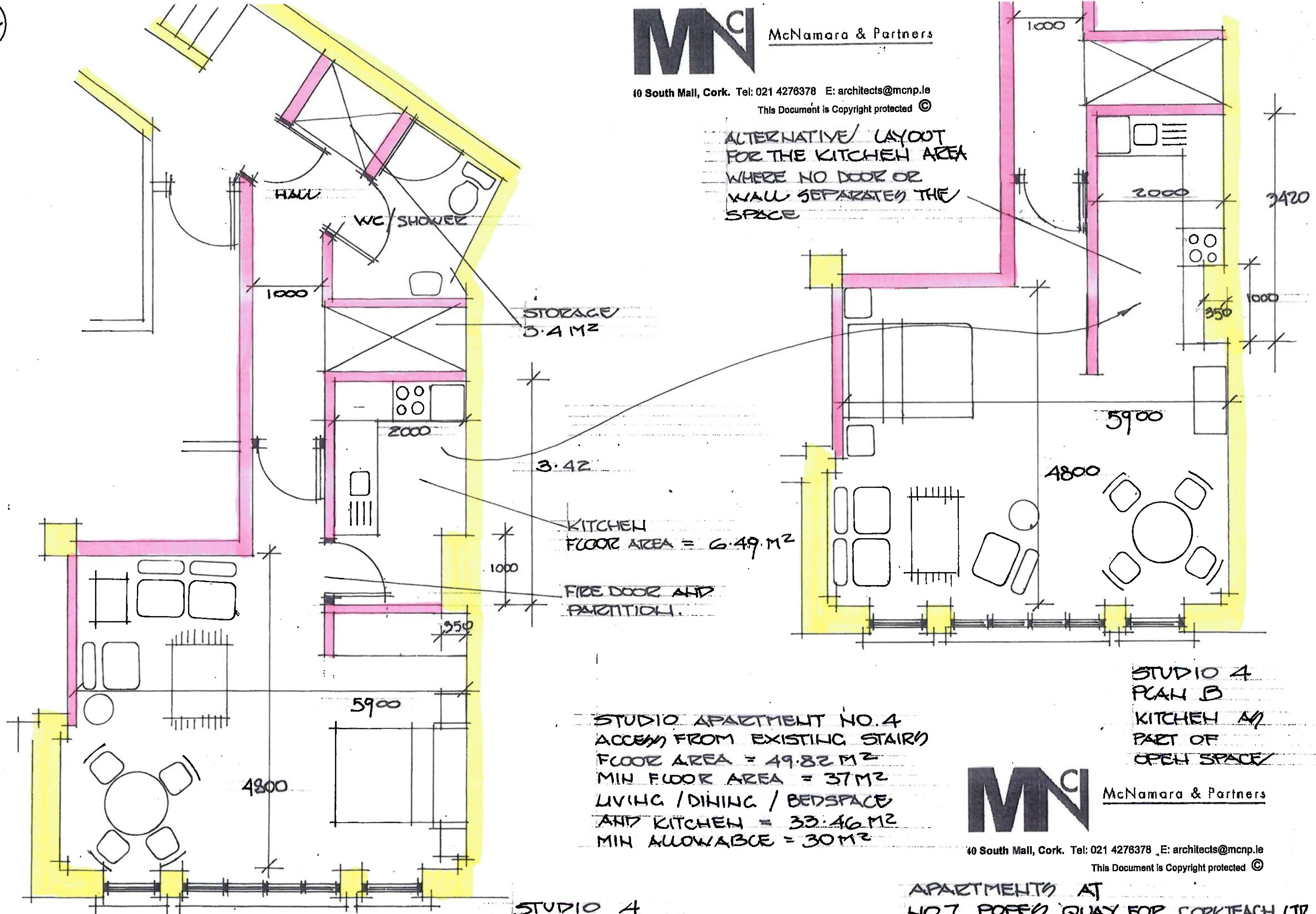


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ALTERNATIVE LAYOUT
FOR THE KITCHEN AREA
WHERE NO DOOR OR
WALL SEPARATES THE
SPACE



STUDIO APARTMENT NO. 4
ACCESS FROM EXISTING STAIRS
FLOOR AREA = 49.82 M²
MIN FLOOR AREA = 37 M²
LIVING / DINING / BEDSPACE
AND KITCHEN = 33.46 M²
MIN ALLOWANCE = 30 M²

STUDIO 4
PLAN B
KITCHEN M
PART OF
OPEN SPACE



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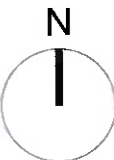
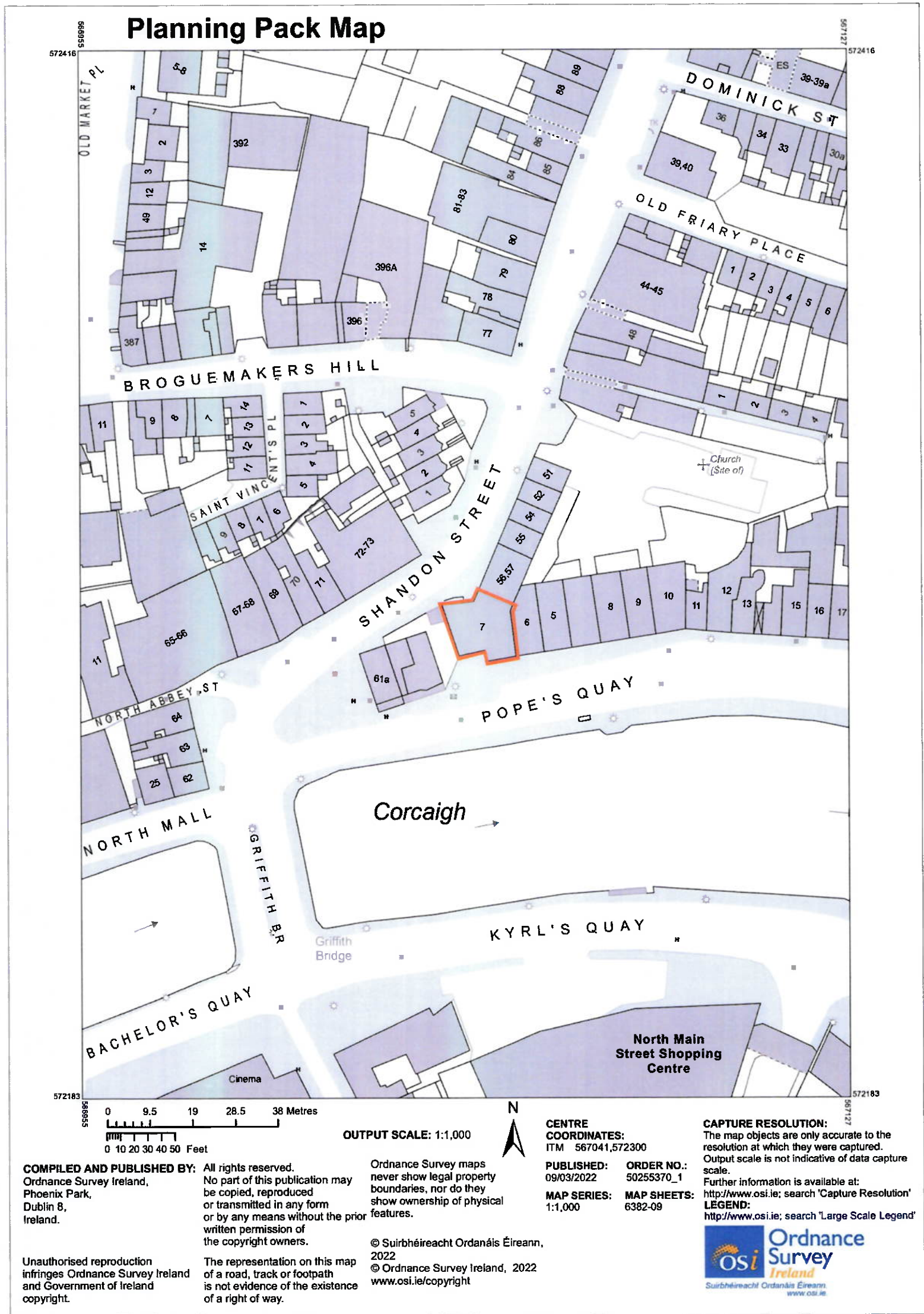
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APARTMENTS AT
NO 7 POPE'S QUAY FOR CORKTEACH LTD
DATE: 12.7.24 DEC. NO. F14 SCALE 1/50

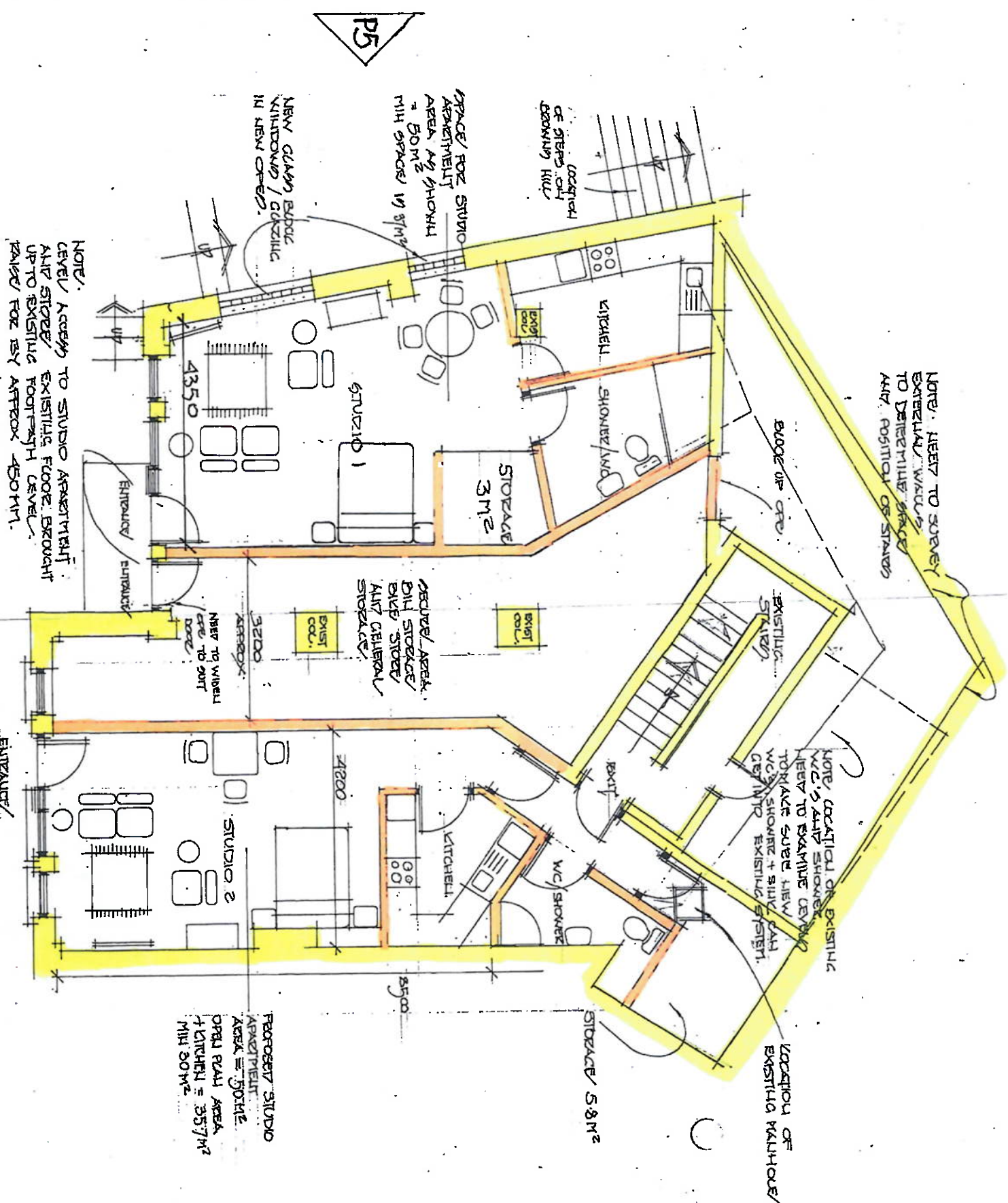
STUDIO 4
PLAN A
KITCHEN SELF CONTAINED.

Planning Pack Map



SHANPOLL STREET.

NORTH.



POPE'S QUAY

DATE 11.4.24
JOB NO. 1424 A
DEC. NO. P1
SCALE 1:100

DRAWN. PAT HICGGINSON.

PROPOSED GROUND FLOOR PLAN
FOR NO. 7 POPE'S QUAY.
FOR CORTEACH CV.

NORTH

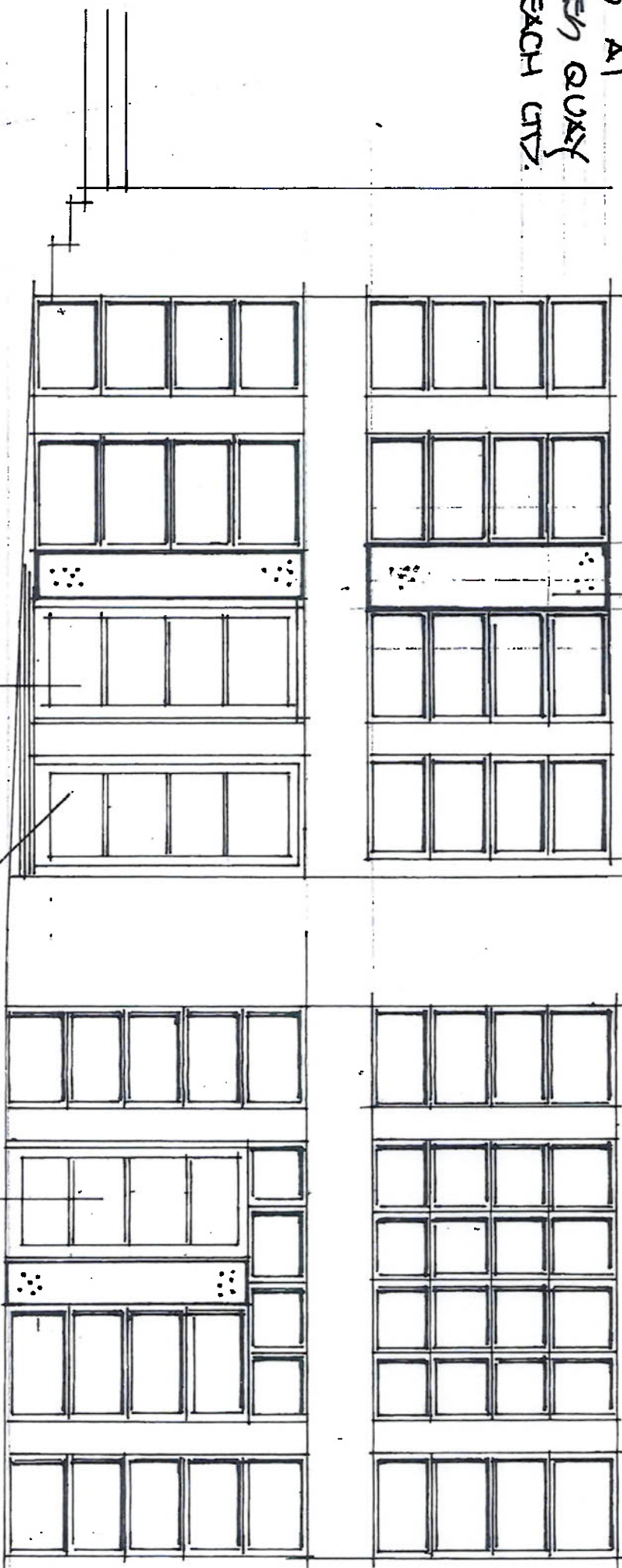


PROPOSED FIRST FLOOR PLAN
FOR 40.7 PAPER QUAY
FOR CORETEACH STD

DATE: 11.4.24
JOB NO. 1424A
FIG. NO. P2
SCALE 1:100 DRAWN BY P&T HICG19604.

PROPOSED GROUND AND
FIRST FLOOR ALTERATIONS
TO EXISTING WINDOW AND
DOOR OPEN AT
NO. 7 POPES QUAY
FOR COCKTEACH CTV.

BLACK METAL
REFLECTED
PANEL



NOTE: PROPOSED FLOOR
OF STUDIO 1 AND STORES
TO BE LEVEL WITH
FOOTPATH.

ENTRANCE/ DOOR
TO STUDIO APARTMENT
NO. 1

DOOR TO
STORES

ENTRANCE/ DOOR
TO STUDIO APARTMENT
NO. 2

PROPOSED FRONT
ELEVATION
1:50

STUDIO 1

STORES

STUDIO 2

FAUX

FAUX

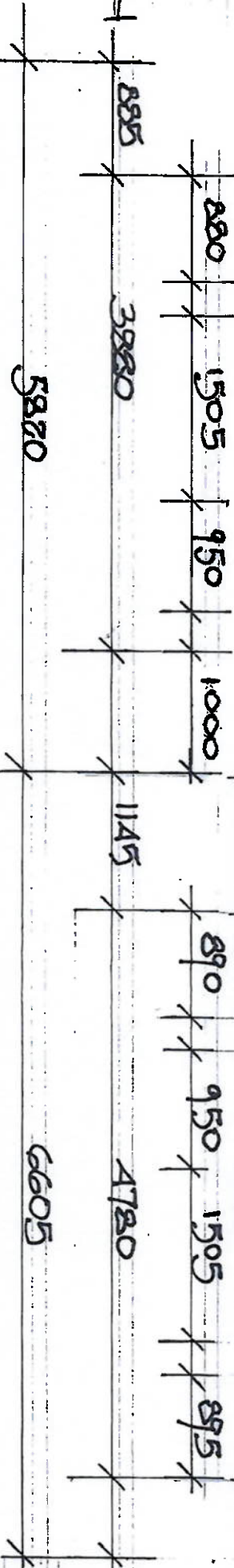
DATE: 10.4.2024

DRAWN BY: 1424 A

DEC. NO. P3

SCALE: 1:50

DRAWN BY: HIC1424 A



PROPOSED FRONT
AT POPES QUAY



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JOB NO. 1424 A

DRG. NO. P4

NOT TO SCALE

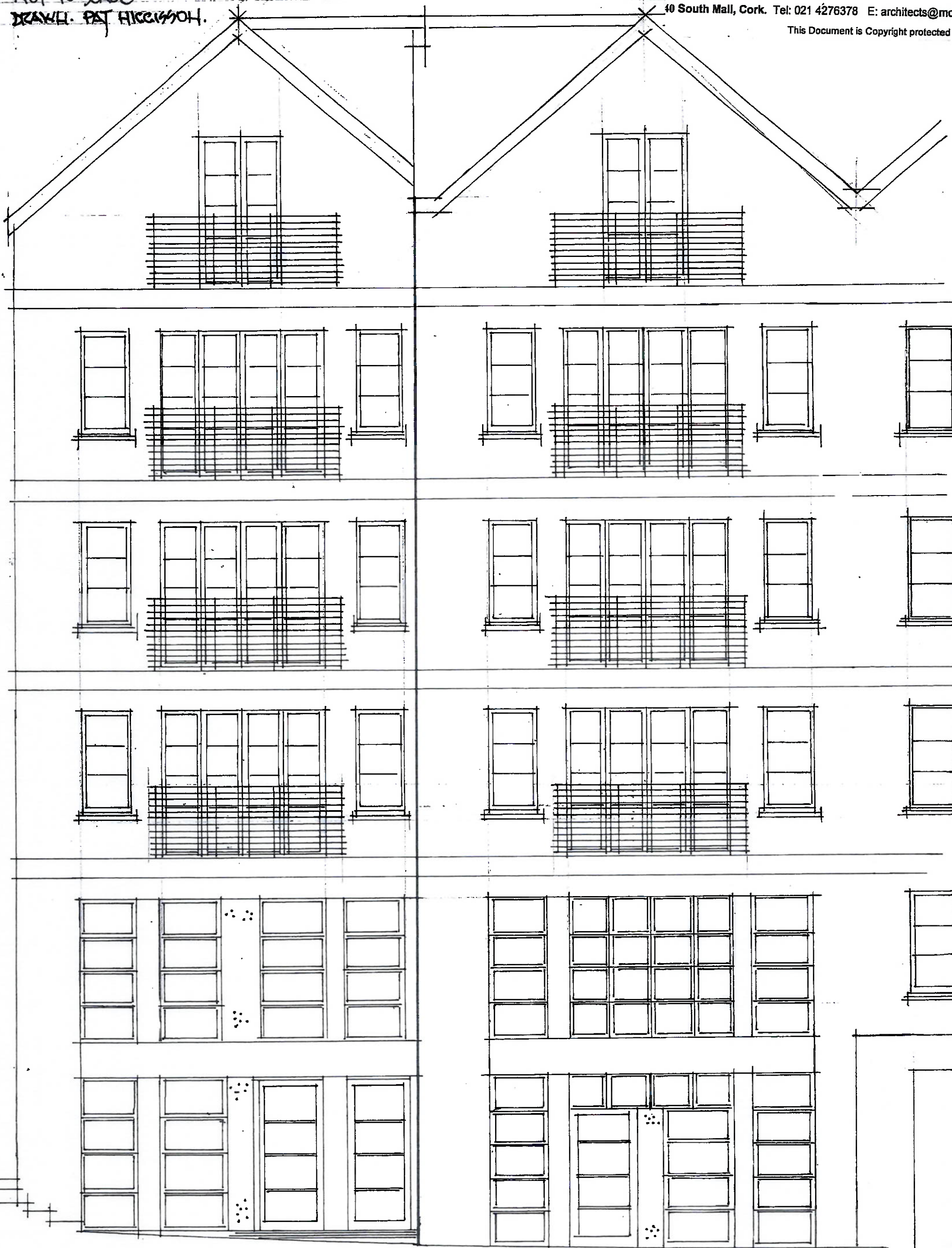
DRAWN BY PAT HICKEY



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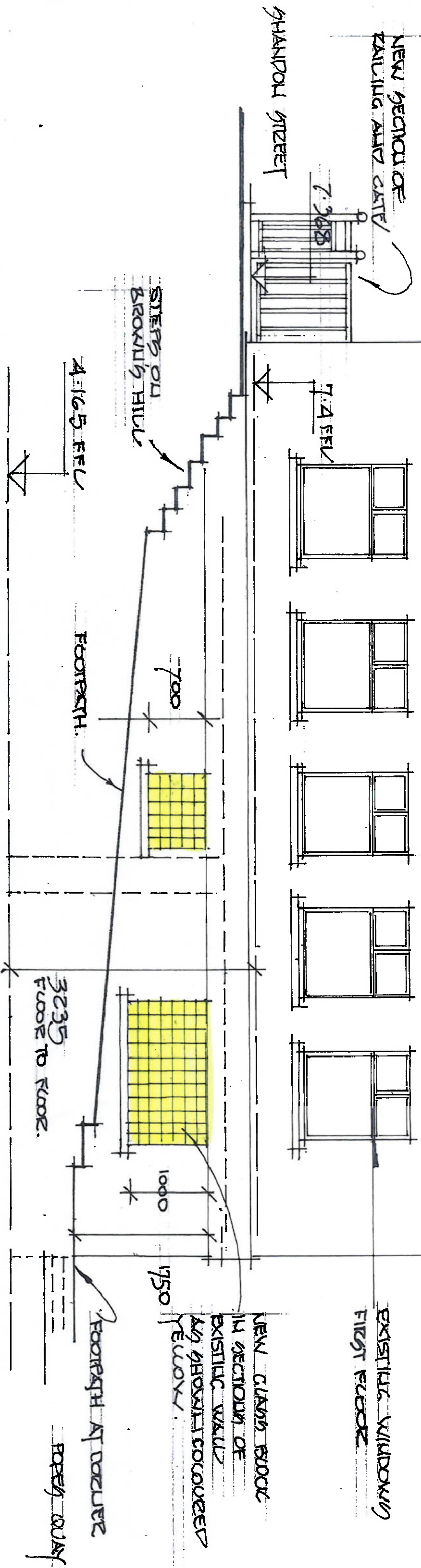
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ELEVATION TO POPE'S QUAY

SEE DRG. NO. P3 FOR DETAILS OF
PROPOSED WINDOWS AND DOORS.

NO. 7 FORD'S QUAY FOR
CORKTEACH LTD
DATE: 12.4.24
JOB NO. 1424A
SCALE 1:50
Dwg. NO. P3
DRAWN: PAT HICKEY
PAT ELEVATION TO
BROWN'S HILL.



ELEVATION SHOWING SECTION OF WALL WITH
CLAY BLOCK FOR GROUND FLOOR STUDIO ARRANGEMENT.

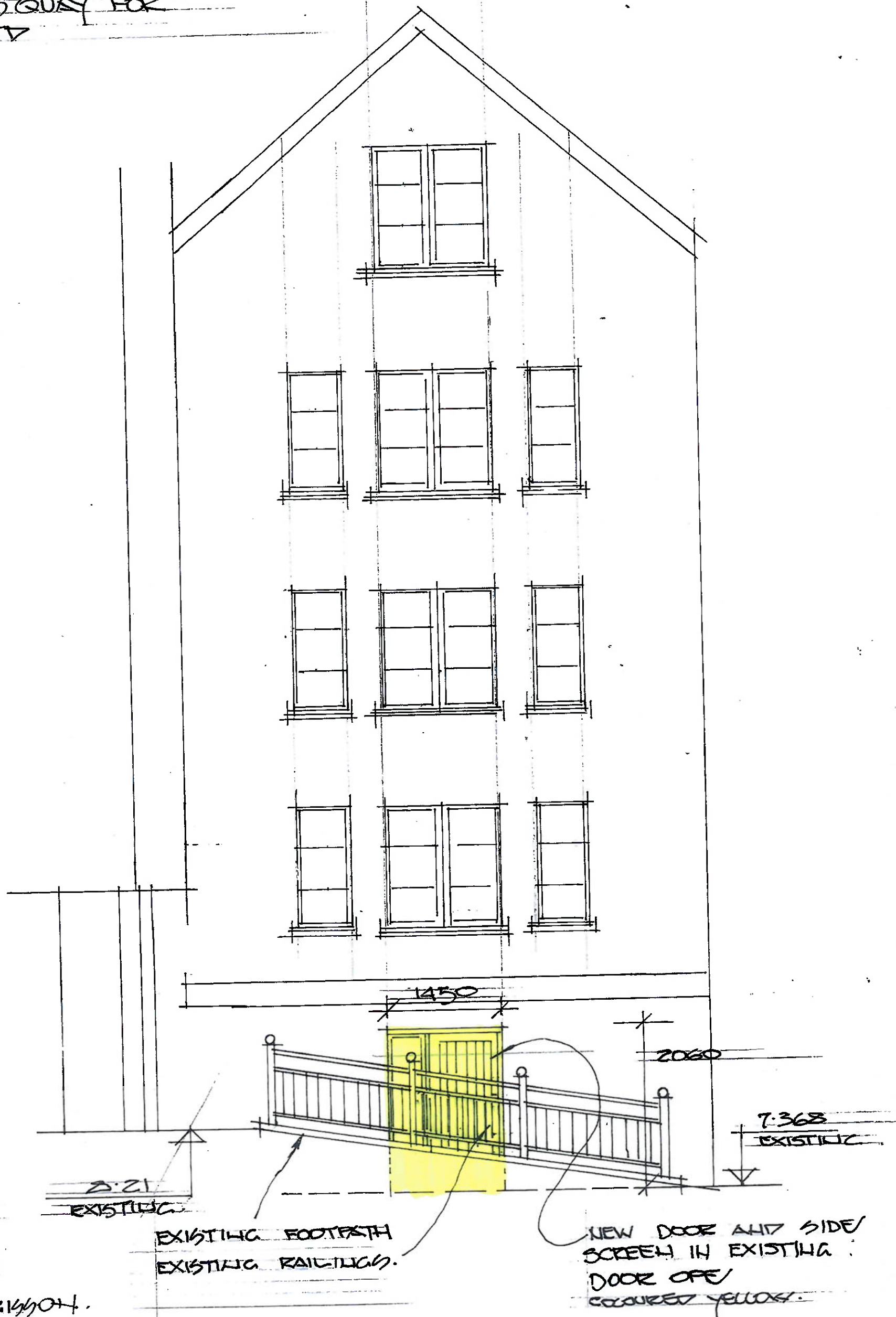


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SKETCH ELEVATION
SHOWING NEW DOOR
AND SIDE SCREEN IN
EXISTING DOOR OPE/
ON THE SHANDOH STREET
ELEVATION

PROPOSED APARTMENTS
AT NO. 7 POPES QUAY FOR
CORCTEACH LTD

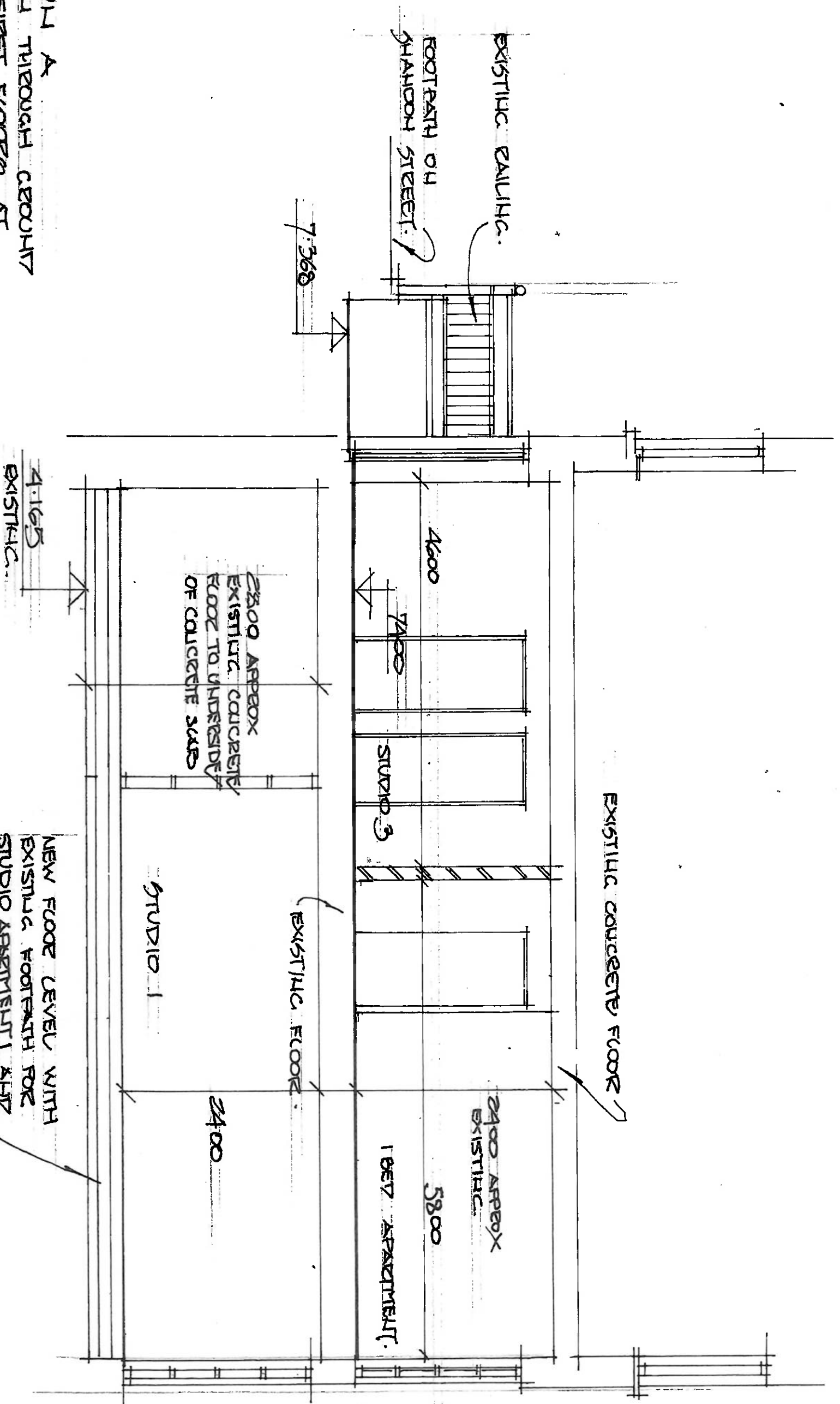


DATE - 12.4.24
JOB NO. 1424A
SCALE - 1/10
DRC. NO. P6
DRAWN - PAT HIGGINS

DATE: 12.4.24
 JOB NO. 1424A
 SCALE: 1:50
 DEC. NO. P7
 DRAWN. PAT HIGGINS



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SECTION A
 SECTION THROUGH CROUCHT
 AND FIRST FLOOR AT
 NO. 7 POPE QUAY
 FOR CORTLEACH STP.

NEW FLOOR LEVEL WITH
 EXISTING FOOTPATH FOR
 STUDIO APARTMENT 1 AND
 STORES
 150 MM R. CONCRETE SLAB
 200 MM INSULATION
 RANDU BARRIER AND SAND BUILDING.

EXISTING
 FOOTPATH
 COURSE
 STUDIO 1
 ON POPE
 QUAY.

SCHEDULE OF APARTMENT TYPES AND AREAS AND PROPOSED FOR GROUND AND FIRST FLOORS AT NO. 7 POPE'S QUAY FOR CORTEACH LTD.

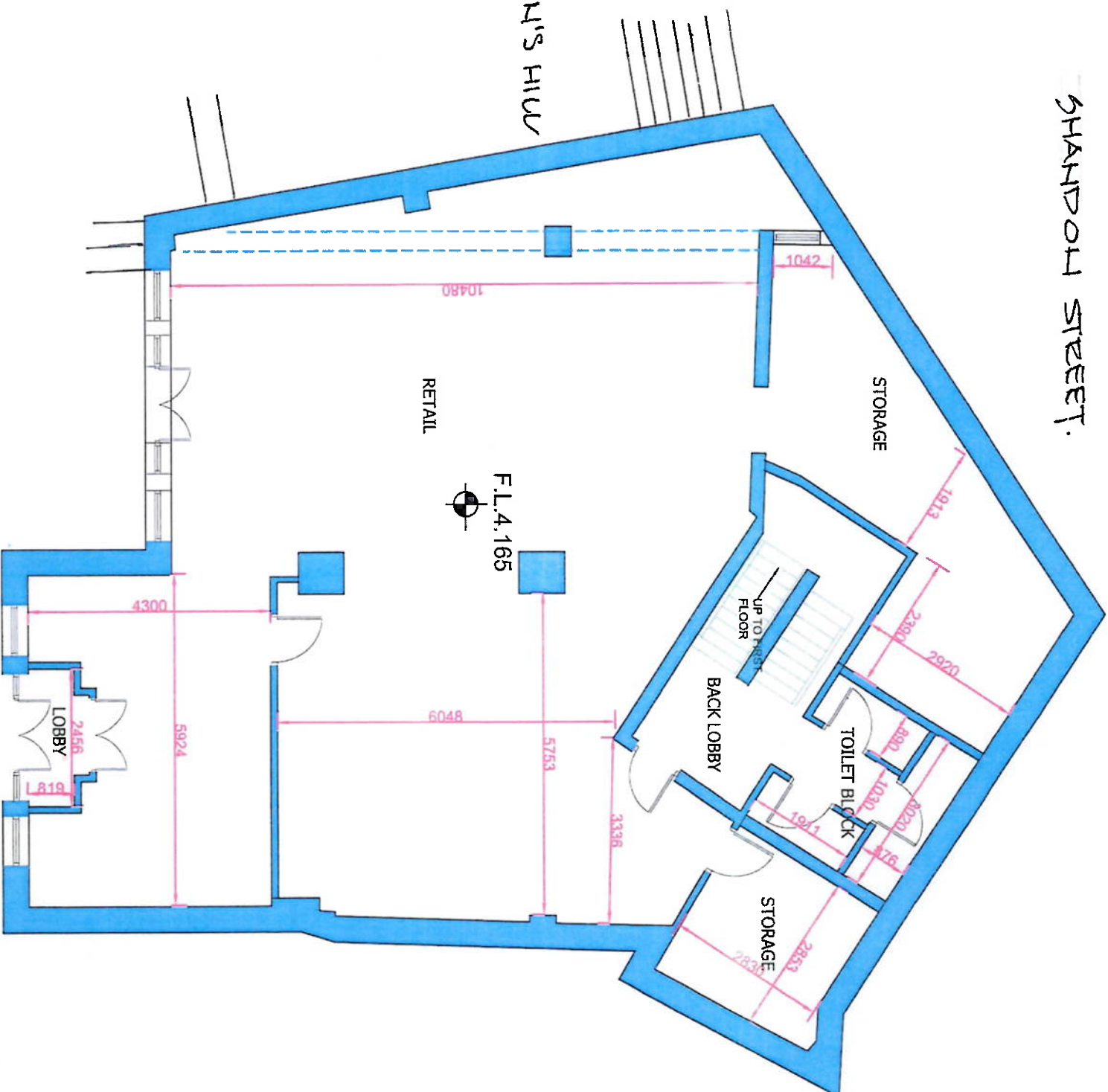
ELEMENT	FLOOR AREA *(MIN 37M ²)	ACC. AREA K/D/L	WIDTH K/D/L	STORAGE *(MIN 3M ²) 1. SEE NOTE.		
APARTMENT						
STUDIO NO.1 GROUND FLOOR SEE DEC. NO. P1	50M ²	39.5M ²	4.2M	3M ²		
STUDIO NO.2 GROUND FLOOR SEE DEC. NO. P1	50M ²	35.7M ²	4.2M	5.8M ²		
STUDIO NO.3 FIRST FLOOR SEE DEC. NO. P2	38.2 M ²	30.28 M ²	4M	3.24 M ²		
STUDIO NO.4 FIRST FLOOR	49.82 M ²	33.46	4.8M	3.4 M ²		
RECEMENT	FLOOR AREA *(45 M ²) MIN	ACC. AREA K/D/L	WIDTH K/D/L	BEDROOM *(MIN 11.4M ²)	BEDROOM WIDTH *(MIN 2.8M)	STORAGE *(MIN 3.0M ²) 1. SEE NOTE.
APARTMENT						
1 BEDROOM FIRST FLOOR SEE DEC. NO. P2	49.2 M ²	24.5 M ²	3.5 M	11.6 M ²	2.9 M	3.06 M ²

NOTE
* MINIMUM AREAS
AS REQUIRED BY
SUSTAINABLE URBAN
HOUSING:
DESIGN STANDARDS
FOR NEW APARTMENTS
DECEMBER 2022
1.
ADDITIONAL STORAGE
AVAILABLE ON GROUND
FLOOR FOR BIKES
BINS AND GENERAL
STORAGE
SEE DEC. NO. P1



SHANDON STREET.

BROWN'S HILL



GROUND FLOOR PLAN

SCALE 1 : 100

FLOOR AREA 201 SQ M

POPE'S QUAY.

SURVEY
DRC. NO. 51

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Email: info@bmburns.com
Website: www.bmburns.ie



Drawn By: M. BURNS

Checked By: B. BURNS

Dwg No: S13621-00(A)

Date: 20/11/2021

REV. DATE

ALTERATION

INIT.

Drawing Status: ISSUE FOR INFORMATION

Drawing Title: GROUND FLOOR PLAN

Scale: 1-100

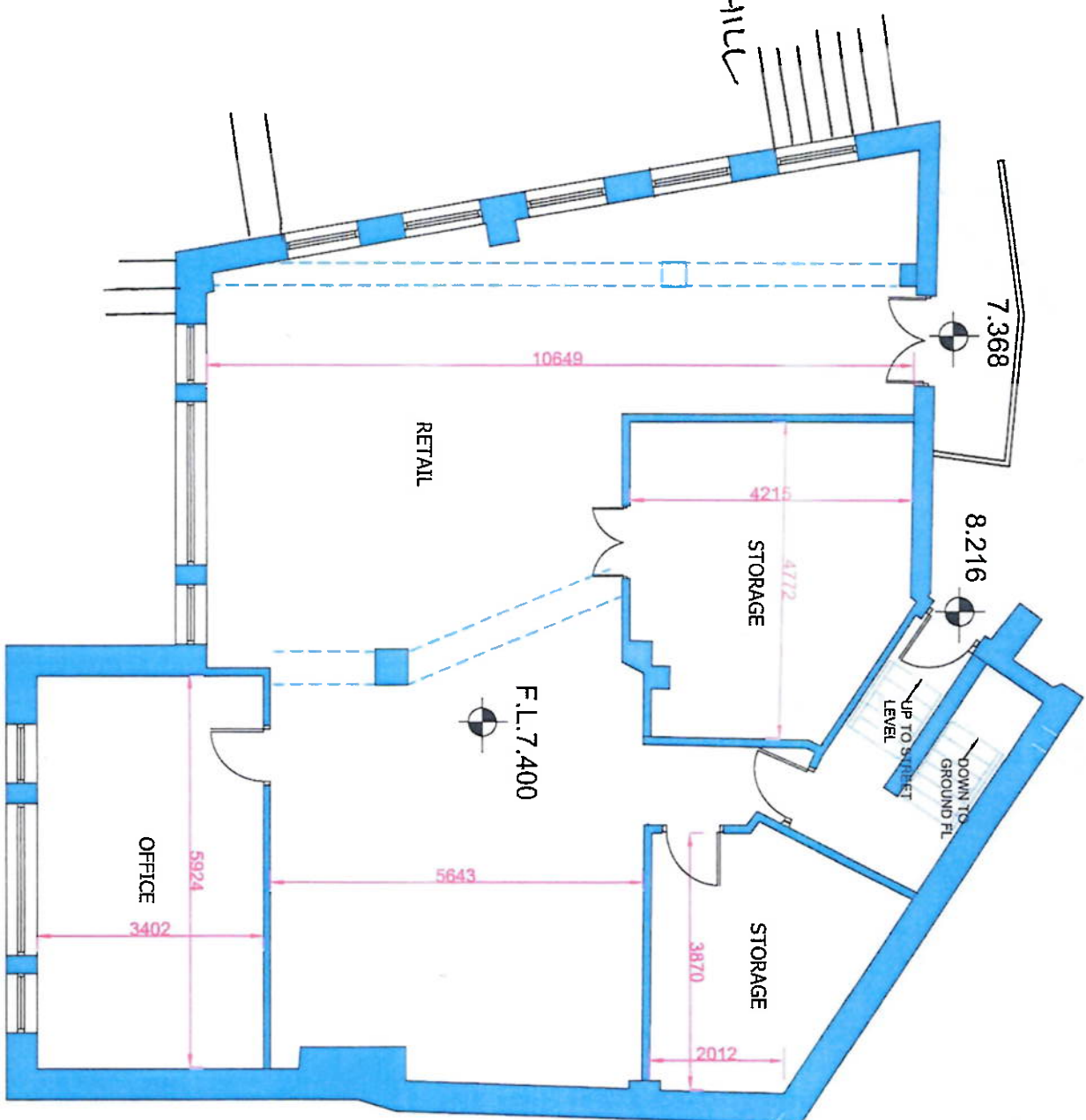
Client: BELLMOUNT DEVELOPMENTS

Project: STRUCTURE AT 7 POPES QUAY
CORK



SHANTOU STREET.

BROWN'S HILL



FIRST FLOOR PLAN
SCALE 1 - 100
FLOOR AREA 155 SQ M

POPE'S QUAY

SURVEY
DEC. 10. 52

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Drawn By: M. BURNS

Checked By: B. BURNS

Dwg No: S13621-00(A)

Date: 20/11/2021

REV.	DATE	ALTERATION	INIT.

Drawing Status: ISSUE FOR INFORMATION

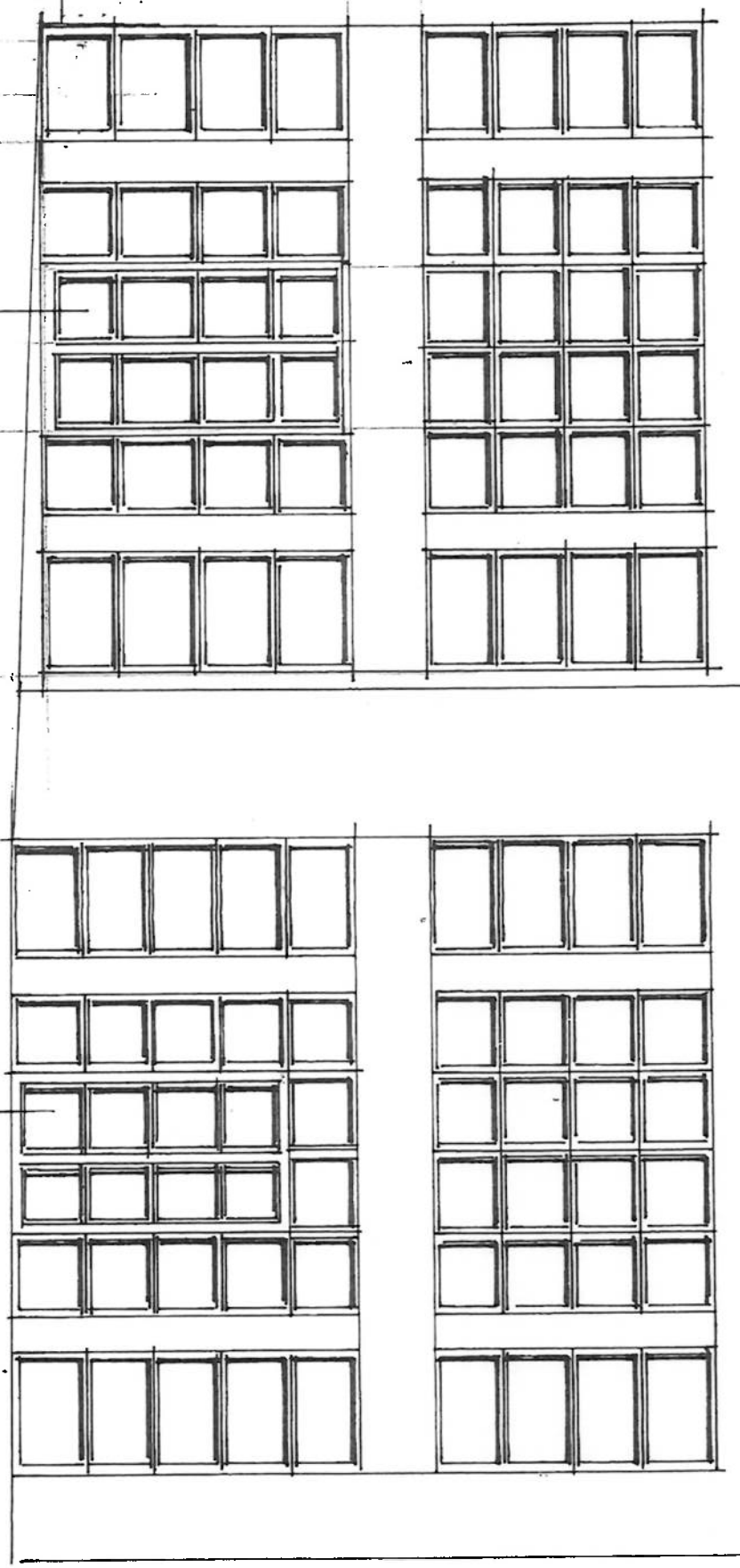
Drawing Title: FIRST FLOOR PLAN

Scale: 1 - 100

Client: BELLMOUNT DEVELOPMENTS

Project: STRUCTURE AT 7 POPES QUAY
CORK

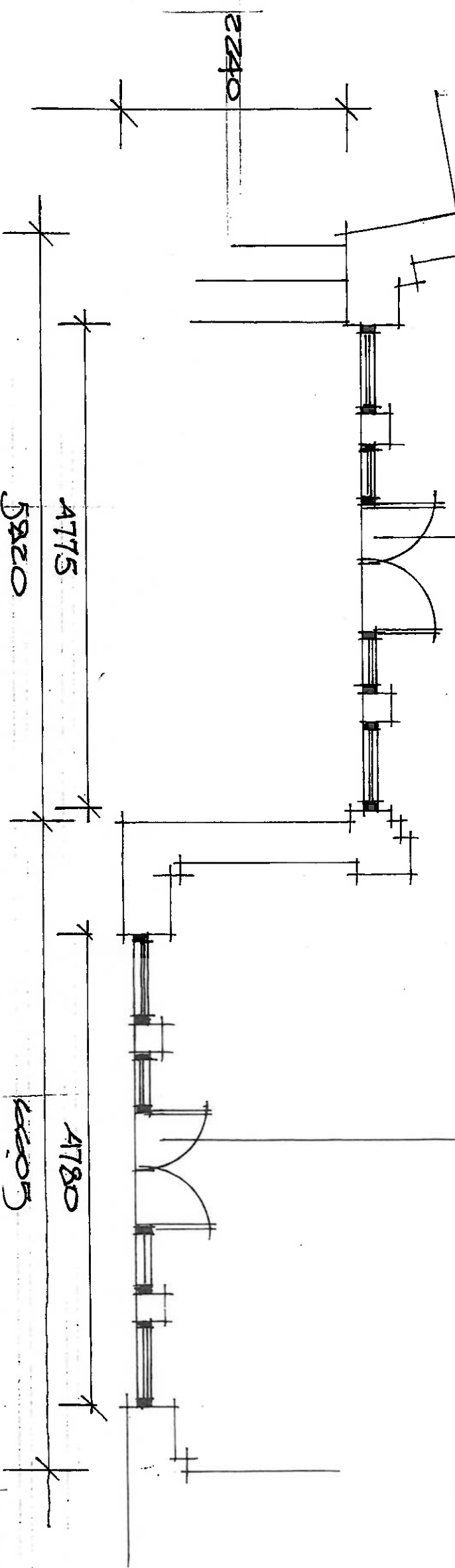
EXISTING GROUND AND
FIRST FLOOR WINDOWS
AND DOOR OPEN AT
NO. 7 PORES QUAY
FOR CORTEACH UT7



EXISTING DOORS
NOTE: EXISTING
FLOOR IN THIS AREA
IS APPROX 150MM
BELOW EXT. FOOTPATH.

EXISTING DOORS
TO EXISTING ENTRANCE

EXISTING FRONT
ELEVATION
1:50



EXISTING FRONT
AT PORES QUAY

DATE: 10.4.2024
DRC. NO. 53
JOB. NO. 14244-
SCALE: 1:50
DRAWN: PJH/04/04



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