

PLANNER'S REPORT  
Ref. R 494/18

Cork City Council  
Development  
Management  
Strategic  
Planning and  
Economic  
Development

**Application type** SECTION 5 DECLARATION  
**Question** *Whether the change of use from upper floor retail (storage) to residential use (maisonette over 3 floors including a new ground floor external door is development or is exempted development.*  
**Location** 124 St. Patrick's Street, Cork  
**Applicant** PJ, Seamus and Michael Maher

---

## 1. PREVIOUS FURTHER INFORMATION REQUEST

The following Further Information was requested in relation to the application:

1. *As per Article 10,(6),(d),(xi) of Part 2 of the Planning and Development Regulations if the development consists of or comprises the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use the development would not be considered to be exempted development.*

*In this regard (a) please clarify, if known, the year the restaurant use ceased on site and retail commenced. Please note our records show the unit in use as a restaurant post introduction of the Planning Act however the subsequent change of use may in itself have been exempted development.*

*(b) Please also note that the building is listed on the National Inventory of Architectural Heritage as being of regional importance (Ref: 20512896). It is noted that replacement windows have been fitted to the front elevation. Please advise whether it is intended to replace these windows with timber up and down sliding sash windows or to retain the existing which appear to be unauthorised.*

2. *Please note that under the Sustainable Urban Housing – Design Standards for New Apartments a minimum storage area of 9 sq.m. is required for a 3 bedroom apartment. Please submit revised/drawings/details to show compliance with same in accordance with Article 10, sub article 6(d) (vi) of the Planning and Development Regulations 2001 (as amended).*

3. *Please confirm the retention of the limestone dog trough in situ and show the location of same on the elevational drawings.*

4. *Please clarify the materials to be used in the proposed ground floor entrance door.*

5. *Please clarify intended commencement and completion dates noting the relevant period in the Regulations.*

## 2. FURTHER INFORMATION RESPONSE & ASSESSMENT

Further Information was submitted on 16.01.2019. The response includes a letter issued by Cork Corporation dating from 1990 further to the application in relation to the new shopfront (Ref: T.P. 14778/89) which states that the change of use room restaurant to retail use constitutes exempted development under the 1977 Planning and Development Regulations.

As noted in my previous report under Class 11 of the 1977 Planning and Development Regulations an exemption existed for the change of use of a hot food takeaway or a public house to use as a shop. The retail use is not an unauthorised use therefore the structure is not considered to be an unauthorised structure.

Re Item 2 of the F.I. request the replacement of the original windows would not in my opinion render the structure unauthorised for the purposes of this determination. I note that from google maps that these were in place in 2010 and are as such statute bared from enforcement action.

It is stated that the Seamus Murphy dog trough will be retained in situ while the finishes on the ground floor door will be painted hardwood with a glazed fanlight overhead. I understand the dog trough was removed by the City Council's Parks Section for maintenance and will be returned. In any event the proposed development will not impact the character of the structure given the proposed location of the new doorway on the other side of the building.

***Assessment against Article 10 (6) (b) and (c):***

- 10 (6), (b) - the development consists of a change of use to residential from Class 1 of Part 4 of Schedule 1;
- 10 (6), (c), (i) - the structure was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018;
- 10 (6), (c), (ii) - the structure was in use as retail (Class 1) at one time;
- 10 (6), (c), (iii) the structure has been vacant for a period of two years or more – see relevant letter from Savills confirming this.

***Assessment against the conditions and limitations set out in Article 10 (6)(d):***

(i) the commencement and completion dates have now been submitted and are June 2019 – completion by 2020 the relevant periods in this instance being from 8 February 2018 and 31 December 2021 therefore this is acceptable;

(ii) and (iii) clarification in relation to the existing dog trough and external finishes (door and windows) were required – see above in this regard - it is noted that limited external works including provision of access to upper floors can be facilitated under the exemption (Circular Letter PL 01/2018);

(iv) the ground floor is to be retained in retail use therefore does not conflict with Objective 13.4 of the Cork City Development Plan as outlined above;

(v) the development consists of one unit (i.e. is less than 9 No.);

(vi) the floor area is above the minimum of for a three bed apartment under the Sustainable Urban Housing –Design Standards for New Apartments – Guidelines for Planning Authorities i.e. 90 sq.m. An additional 5m of storage has now been incorporated into the development which accords now cumulatively with the 9 sq.m. required in Appendix 1 of the Guidelines;

(vii) the rooms intended as habitable rooms will all have adequate natural lighting;

(viii) the structure is not a Protected Structure;

(ix) the development would not, in so far as the archive files that are available to me, contravene a condition of a permission or be inconsistent with any use specified in such a permission;

(x) the relevant areas specified in (I, II or III) do not apply in this instance;

(xi) the following is an assessment of the proposal against the restrictions set out in sub paragraph of Article 9 (1) (a) (iv), (vii), (viiA), (viiB), (viiC), (viii) (ix) and 9(1) (c) and 9(1) (d):

- 9 (1) (a) (iv) development will not bring forward the existing building line;
- 9 (1) (a) (vii), (viiA), (viiB), and (viiC) - do not apply in this instance;
- 9 (1) (a) (viii) – This issue (re unauthorised structures) has now been clarified as outlined above.

- 9 (1) a (ix) does not apply given the ground floor is not part of the development;
- 9 (1) (c) does not apply;
- 9 (1) (d) does not apply.

(xii) this does not apply in this instance.

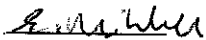
### **3. ENVIRONMENTAL ASSESSMENT**

#### **3.1 *Environmental Impact Assessment (EIA)***

It is not considered that the response to the F.I. gives rise to a significant change or modification to the proposed development so that it would now have a significant impact on a European Site, or that it would require environmental impact assessment. Consequently it is considered that appropriate assessment and environment impact assessment are not required.

### **4. CONCLUSION**

Having regard to the planning history on site, Section 3(1) of the Planning and Development Act 2000 (as amended) and Article 9 and Article 10(6) of Part 2 of the Planning and Development Regulations 2001 (as amended) it is concluded that the proposed development is 'development' and is 'exempted development.'



Evelyn Mitchell,  
Senior Executive Planner,  
05.02.2018.

PLANNER'S REPORT  
Ref. R 494/18

Cork City Council  
Development  
Management  
Strategic  
Planning and  
Economic  
Development

<b>Application type</b>	SECTION 5 DECLARATION
<b>Question</b>	<i>Whether the change of use from upper floor retail (storage) to residential use (maisonette over 3 floors including a new ground floor external door is development or is exempted development.</i>
<b>Location</b>	124 St. Patrick's Street, Cork
<b>Applicant</b>	PJ, Seamus and Michael Maher

## INTERPRETATION

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 APPLICATION

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

Although worded differently in answer to Question 2 of the form the question to the planning authority is interpreted as whether 'the change of use from upper floor retail (storage) to residential use (maisonette over 3 floors including a new ground floor external door is development or is exempted development.'

### 3. SITE DESCRIPTION

The subject property comprises a 4 storey mid terrace which consists of a vacant shop unit and 3 overhead floors of vacant storage space. It is located on the northern end of St. Patrick's Street adjoining the newly opened tourist office on the corner of Lavitt's Quay and St. Patrick's St. (see attached photographs).

### 4. DESCRIPTION OF THE DEVELOPMENT

The proposed development comprises a change of use to residential providing a 3 bedroom apartment over three floors and the introduction of a new entrance to access the upper floors on the front elevation. A revised floor plan was submitted on 06.12.2018 which shows a bedroom (with en suite) on the first floor, a living/dining/kitchen area on the 2<sup>nd</sup> floor and 2 bedrooms and a bathroom on the 3<sup>rd</sup> floor. The stated floor area of the apartment is 117.7 sq.m.

## 5. RELEVANT PLANNING HISTORY

Substantial planning history exists in relation to the site which formed part of a larger landholding at one stage which included other buildings. Several applications were made in relation to this premises including

### ***No 123 St. Patrick's St.***

T.P. 70/2810: Permission granted for the conversion of part of the Old Bridge Restaurant 124 St. Patricks St. to a dry cleaning depot. A note on file states that the site is actually No. 123 not 124.

### ***No. 123/124 St. Patrick's St.***

T.P. 65/348: Permission granted for illuminated signage to the Old Bridge Restaurant on the Lavitt's Quay elevation.

T.P. 69/1793: Permission refused or the demolition of Nos. 123, 124 St Patricks St. and 2/3 Lavitt's Quay and construction of shops and offices.

T.P. 69/1885: Permission refused for the conversion of No. 123/124 to shops and offices.

T.P. 69/2130: Outline permission refused for offices over shops at No. 123/124 St. Patrick's St.

T.P. 70/2342: Outline permission refused for offices over shops at No.123/124 St. Patrick's St.

T.P. 72/3446: Permission refused for the illuminated fascia and projecting signs at 123/124 St. Patrick's St. and 2/4 Lavitt's Quay.

T.P. 3572 Permission granted for the retention of a sign at 123/124 St. Patrick's St. and 2/4 Lavitt's Quay.

T.P. 76/6180: Permission refused for the extension of a bar into first floor, new shop fronts, new stairs from 123 to first floor, alterations at 2<sup>nd</sup> floor and refurbishment of existing bar/restaurant on ground floor. The reason for refusal was on the grounds that the premises was to be acquired by CPO for road widening purposes.

T.P. 76/6365: Permission granted for renovations and alterations to No 123-124 St. Patrick's St and 2-3 Lavitt's Quay on the basis that a temporary permission only be granted due to the aforementioned road widening works. Photographs on that file show No. 124 in use as the 'Old Kentucky' grill restaurant with a lounge proposed at first floor linked to a bar located on Lavitt's Quay (The Old Bridge Tavern). Condition 2 stated that this first floor use was to cease prior to 1983.

### ***No. 124 St. Patrick's Street***

T.P. 89/14778: Permission granted for a change of shopfront – file not available from archives.

T.P. 16/36914: Application submitted but subsequently withdrawn for modifications to the shopfront and retail ground floor and change of use of the upper floors to storage facilities and offices and the provision of a separate street entrance to the upper floors. This development has not been enacted.

## 6. LEGISLATIVE PROVISIONS

### 6.1 THE ACT

*Section 2(1),*

*“exempted development” has the meaning specified in section 4.*

*“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

*Section 3(1),*

*In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.*

*Section 4(1)(h),*

*4.(1) The following shall be exempted developments for the purposes of this Act—*

*...*

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

*Section 4(2),*

Section 4(2) provides that the Minister may, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations 2001, as amended.

*Section 4(3),*

*A reference in this Act to exempted development shall be construed as a reference to development which is—*

*(a) any of the developments specified in subsection (1), or*

*(b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.*

*Section 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.*

## **6.2 THE REGULATIONS**

Article 10 of the Planning and Development Regulations 2001 was amended by inserting the following sub-article after sub article (5):

*“(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 the making of these Regulations until 31 December 2021.*

*(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 or 6 of Part 4 to Schedule 1.*

*(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 or 6, 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 affect only the interior of the structure and shall 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 sub-paragraph (b) relates, then he or she shall accordingly notify the planning authority in whose functional area that the change of use concerned will occur in writing at least 2 weeks prior to the commencement of 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, and

(II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit,

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 and 2022, 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**

### **6.1 Development**

The first issue for consideration is whether or not the matter at hand is ‘development’, which is defined in the Act as comprising two chief components: ‘works’ and / or ‘any material change in the use of any structures or other land’. As the proposal comprises ‘works’, (new entrance door) and a material change of use (retail storage to residential) it is clearly ‘development’ within the meaning of the Act.

**CONCLUSION — is development.**

### **6.2 Exempted development**

The next issue for consideration is whether or not the matter at hand is exempted development.

The site appears to have been historically used as a licensed bar and restaurant with the restaurant element located within the section occupied by 124 St. Patricks St. Permission was granted in 1976 for an extension of the licensed restaurant/bar use into the first floor however it is not clear as to whether this change of use was ever enacted. At some stage the ground floor restaurant use appears to have changed to a retail use with the most recent use being as a shoe shop ‘Zerep’.

It is not clear when this change of use occurred although it is likely not to have required planning permission given the various Regulations in force through the years.

Under Class 11 of the 1977 Planning and Development Regulations an exemption existed for the change of use of a hot food takeaway or a public house to use as a shop. At that time a ‘shop’ was defined as the following:

*“a structure used for the carrying on of any retail trade or retail business wherein the primary purpose is the selling of goods by retail and includes a structure used for the purposes of a*



*hairdresser, undertaker or ticket agency or for the reception of goods to be washed, cleaned or repaired, or for any other purpose appropriate to a shopping area, but does not include a structure used as a funfair, garage, petrol filling station, office, or hotel or premises (other than a restaurant) licensed for the sale of intoxicating liquor for consumption on the premises;*

Under Class 13 of the 1994 Regulations a change of use from a takeaway, public house or a restaurant to a shop was exempted development.

There is also a current exemption for a change of use from takeaway, public house or restaurant use to retail use (Ref: Class 14(a), (b) and (c)) to use as a shop.

The shopfront is of modern construction. No details of the materials to be used in the proposed doorway have been submitted. The limestone 'Madrai' dog trough sculpted by Seamus Murphy located below the main shop front window is not shown on the drawings.

**Assessment against Article 10 (6) (b) and (c):**

- 10 (6), (b) - the development consists of a change of use to residential from Class 1 of Part 4 of Schedule 1;
- 10 (6), (c), (i) - the structure was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018;
- 10 (6), (c), (ii) - the structure was in use as retail (Class 1) at one time;
- 10 (6), (c), (iii) the structure has been vacant for a period of two years or more – see relevant letter from Savills confirming this.

**Assessment against the conditions and limitations set out in Article 10 (6)(d):**

(i) the commencement and completion dates have not been submitted;

(ii) and (iii) clarification in relation to the existing dog trough and external finishes (door and windows) are required – it is noted that limited external works including provision of access to upper floors can be facilitated under the exemption (Circular Letter PL 01/2018);

(iv) the ground floor is to be retained in retail use therefore does not conflict with Objective 13.4 of the Cork City Development Plan as outlined above;

(v) the development consists of one unit (i.e. is less than 9 No.);

(vi) the floor area is above the minimum of for a three bed apartment under the Sustainable Urban Housing – Design Standards for New Apartments – Guidelines for Planning Authorities i.e. 90 sq.m. However the storage area is stated to be 4 sq.m. which is below the minimum of 9 sq.m. outlined in Appendix 1 of the Guidelines.

(vii) the rooms intended as habitable rooms will all have adequate natural lighting;

(viii) the structure is not a Protected Structure;

(ix) the development would not contravene a condition of a permission or be inconsistent with any use specified in such a permission – in this regard certain history files are not available;

(x) the relevant areas specified in (I, II or III) do not apply in this instance;

(xi) the following is an assessment of the proposal against the restrictions set out in sub paragraph of Article 9 (1) (a) (iv), (vii), (viiA), (viiB), (viiC), (viii) (ix) and 9(1) (c) and 9(1) (d):

- 9 (1) (a) (iv) development will not bring forward the existing building line;
- 9 (1) (a) (vii), (viiA), (viiB), and (viiC) - do not apply in this instance;
- 9 (1) (a) (viii)– The issue of the use on site is outlined above. In relation to whether the structure is an unauthorised structure. I note that a City Council photographic survey undertaken in 1996 and the N.I.A.H. photographs (survey conducted 2003 and 2011) show and mention timber sash windows in the front elevation. Their alteration to pvc has altered the character of the structure and are considered unauthorised.
- 9 (1) a (ix) does not apply given the ground floor is not part of the development;

- 9 (1) (c) does not apply;
  - 9 (1) (d) does not apply.
- (xii) this does not apply in this instance;

## **7. ENVIRONMENTAL ASSESSMENT**

### **7.1 *Environmental Impact Assessment (EIA)***

Pursuant to article 103(1) of the Planning and Development Regulations 2001 as amended, having regard to the nature and scale of the proposed development and following a preliminary examination of, at the least, the nature, size or location of the proposed development, it is considered that there is no real likelihood of significant effects on the environment and it is consequently concluded that EIA is not required.

### **7.2 *Screening for Appropriate Assessment***

The applicant has not submitted an appropriate assessment screening report. 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 these European sites. Accordingly it is considered that appropriate assessment is not required.

## **8. RECOMMENDATION**

It is considered that Further Information is required in order for the Planning Authority to assess the proposal further. In this regard it is recommended that the following Further Information be sought:

1. As per Article 10,(6),(d),(xi) of Part 2 of the Planning and Development Regulations if the development consists of or comprises the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use the development would not be considered to be exempted development.

In this regard (a) please clarify, if known, the year the restaurant use ceased on site and retail commenced. Please note our records show the unit in use as a restaurant post introduction of the Planning Act however the subsequent change of use may in itself have been exempted development.

(b) Please also note that the building is listed on the National Inventory of Architectural Heritage as being of regional importance (Ref: 20512896). It is noted that replacement windows have been fitted to the front elevation. Please advise whether it is intended to replace these windows with timber up and down sliding sash windows or to retain the existing which appear to be unauthorised.

2. Please note that under the Sustainable Urban Housing – Design Standards for New Apartments a minimum storage area of 9 sq.m. is required for a 3 bedroom apartment. Please submit revised/drawings/details to show compliance with Article 10, sub article 6(d) (vi) of the Planning and Development Regulations 2001 (as amended).

3. Please confirm the retention of the limestone dog trough in situ and show the location of same on the elevational drawings.

4. Please clarify the materials to be used in the proposed ground floor entrance door.

5. Please clarify intended commencement and completion dates noting the relevant period in the Regulations.

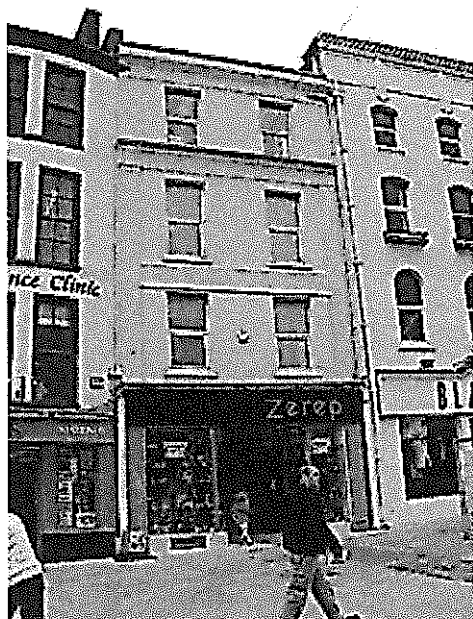
E. Mitchell  
Evelyn Mitchell,  
Senior Executive Planner.

Cork City - Mon Dec 10 14:03:26 GMT 2018

## Main Record - Cork City

Zerep, 124 St Patrick's Street, Cork City, Cork City

20512896



Reg. No.	20512896
Date	1840 - 1860
Previous Name	N/A
Townland	CORK CITY
County	Cork City
Coordinates	167637, 72041
Categories of Special Interest	ARCHITECTURAL
Rating	Regional
Original Use	house
In Use As	shop/retail outlet

### Description

Terraced two-bay four-storey former house, built c. 1850, now in use as retail outlet. Pitched slate roof with rendered chimneystack and rendered parapet. Rendered walls having render double-height pilasters to first and second floors with entablature above, moulded eaves course and plat bands. Timber sash windows to upper floors. Altered to ground floor and shopfront inserted, c. 2000.

### Appraisal

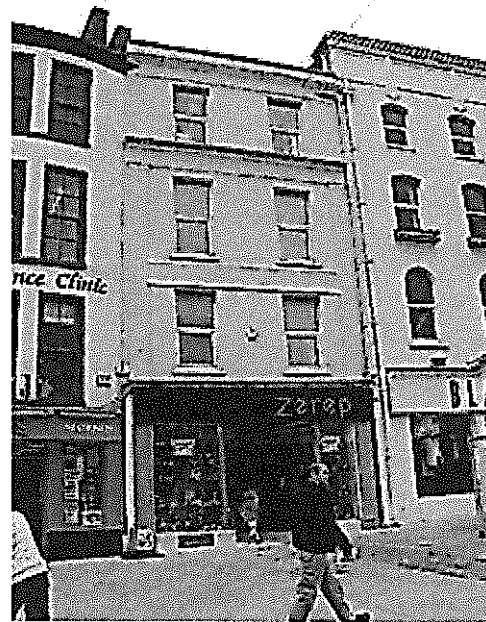
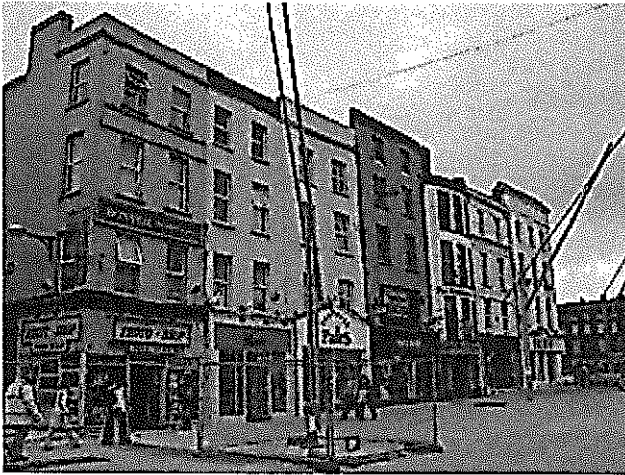
This building forms part of an imposing terrace with the adjoining buildings to the north and south. The scale and form of this group make a notable and positive addition to the streetscape. The upper levels of the building retain many interesting features and materials such as the timber sash windows, moulded render detail and slate roof.

### [Back To Results](#)

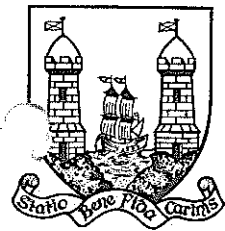
## Additional Images - Cork City

Zerep, 124 St Patrick's Street, Cork City, Cork City

20512896



[Back To Main Record](#)



# Comhairle Cathrach Chorcaí Cork City Council

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

John Butt  
BOK Consulting Engineers  
Shannon House  
Church Road  
Douglas  
Cork

14/02/19

## RE: Section 5 R494/18 124 Patrick Street

Dear Sir/Madam,

I am asked by Mr. Patrick Ledwidge, Director of Services, Strategic Planning & Economic Development to refer to your request for a section 5 Declaration at the above named property.

Having regard to —

the planning history on site, Section 3(1) of the Planning and Development Act 2000 (as amended) and Article 9 and Article 10(6) of Part 2 of the Planning and Development Regulations 2001 (as amended) it is concluded that the proposed development is 'Development' and is 'Exempted Development.'



We are Cork.



**BRIAN O KENNEDY  
& ASSOCIATES LTD**  
Consulting Engineers & Architects

Shannon House,  
Church Road,  
Douglas,  
Cork.

**Tel:** 021-4899854  
**Fax:** 021-4899864  
**Email:** info@bok.ie  
**Web:** www.bok.ie

**Our Ref: BOK/JB/18/5616**

**Your Ref:**

**Date: 8<sup>th</sup> November 2018**

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

**Re: Section 5 R494/18 124 Patrick Street, Cork**

Dear Sirs,

We refer to your letter dated 12-12-18 and respond as follows;

(Please note we have numbered our responses in accordance with your queries for clarity)

1. It is not known when the restaurant use ceased on site, however, we enclose a letter from 12-06-1990 from the Cork County Council regarding the property related to the change of use from restaurant to retail as an exempted development which may provide further clarity. The owners intend to replace the windows with timber sliding sash windows if it proves cost effective.
2. Please see enclosed plan showing an additional 5sqm of storage incorporated into the layout. Please note that 4sqm of storage previously existed. 1.5sqm under each stairs on 1<sup>st</sup> and 2<sup>nd</sup> floor, and 1sqm adjacent to the wc on 2<sup>nd</sup> floor.
3. We confirm the limestone dog through will be retained. We also enclose revised elevation identifying location of same.
4. The intended material for the proposed ground floor entrance door is hardwood with a painted finish. A fanlight will feature above the door frame to provide natural light to the bottom of the stairs.
5. The work is intended to start in June and be complete by 2020.

We trust everything is in order regarding this section 5 declaration, please don't hesitate to contact us with any queries.

John Butt MRAI PSDP  
Brian O'Kennedy & Associates Ltd

**Comhairle Cathrach Chorcaí  
Cork City Council**

**16 JAN 2019**

**Strategic Planning & Economic  
Development Directorate**

# caí Cork Corporation

ABBAY COURT HOUSE  
GEORGES QUAY  
CORK



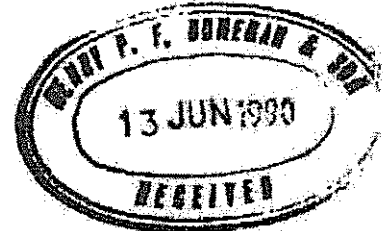
Tel. 021-966222/965017  
Telex Cork E1 75500  
Fax 021-314238

~~CITY HALL~~  
~~CORK~~

Your Ref DPD/TD/B.662  
Ref JW/PF

Henry P.F. Donegan & Sons,  
Solicitors,  
74 South Mall,  
CORK.

*20*



12th June 1990

RE: Premises - 124 Patrick Street, Cork

Dear Sir,

I refer to your letter of 30th May 1990.

I wish to advise

- (a) that planning permission was granted, T.P. 14,778/89 for new shop front at this property and
- (b) The Planning Authority considers the change of use from restaurant as previously existed on site to retail use as constituting exempted development under the 1977 Planning & Development Regulations.

Yours sincerely,

STAFF OFFICER,  
PLANNING DEPARTMENT.





11 South Mall, Cork  
T: +353 (0) 21 4271371  
cork@savills.ie  
www.savills.ie

Mr PJ Maher  
The Mall,  
Thurles  
Co. Tipperary

28 November 2018  
Our Ref: LD/KM  
E: [pjmaherlaw@gmail.com](mailto:pjmaherlaw@gmail.com)

Re: 124 Patrick Street, Cork

Dear PJ,

I write in relation to the above property and in particular to your request with regards to the vacancy of same.

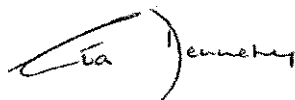
I can confirm that we were the appointed letting/ sales agents for 124 Patrick Street from 2010 to 2017 when the property was sold by BidX1.

I can confirm that the property has been vacant for the past 5 years. During this period the property had been available to rent and in recent years we had it on the market For Sale.

I trust that the above is in order however, if you require any further information please do not hesitate to contact me.

Kind Regards

Yours sincerely

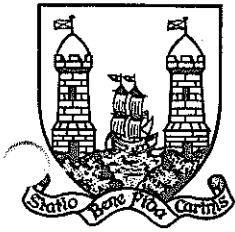


**Lia Dennehy**  
Senior Surveyor, Commercial Department  
Savills Ireland

Direct Ph: +353 (0) 21 490 6122  
Mob: + 353 (0) 87 259 3377  
Email: [lia.dennehy@savills.ie](mailto:lia.dennehy@savills.ie)  
Website: [www.savills.ie](http://www.savills.ie)  
Licence No: 002233-003080

Directors and Leadership Group: Angus Potterton (Managing), Peter Callender (Company Secretary), Tom Barrett, Larry Brennan, David Browne, Gavin Butler, Darragh Cronin, Andrew Cunningham, Roy Deller, Ray Hanley, Dessie Kilkenny, Brian Kirwan, Catherine McAuliffe, Gerry McCarthy, John McCartney, Clarie Neary, Roland O'Connell (Chairman), Fergus O'Farrell, Peter O'Meara, Isobel O'Regan, Domhnall O'Sullivan, David Potter, Mark Reynolds, Kevin Sweeney, Ben Turtle

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and Middle East  
Savills Commercial (Ireland) Limited registered in Dublin No. 118687  
Registered Office: 33 Molesworth Street, Dublin 2  
Savills Commercial (Ireland) Limited is a subsidiary of Savills plc.  
FSRA Registration No. 002233



# Comhairle Cathrach Chorcaí Cork City Council

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

John Butt  
BOK Consulting Engineers  
Shannon House  
Church Road  
Douglas  
Cork

12/12/18

**RE: Section 5 R494/18 124 Patrick Street Cork.**

Dear Sir/Madam,

I am asked by Mr. Patrick Ledwidge, Director of Services, Strategic Planning & Economic Development to refer to your request for a section 5 Declaration at the above named property.

It is considered that Further Information is required in order for the Planning Authority to assess the proposal further. In this regard it is recommended that the following Further Information be sought:

1. As per Article 10,(6),(d),(xi) of Part 2 of the Planning and Development Regulations if the development consists of or comprises the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use the development would not be considered to be exempted development.

In this regard (a) please clarify, if known, the year the restaurant use ceased on site and retail commenced. Please note our records show the unit in use as a restaurant post introduction of the Planning Act however the subsequent change of use may in itself have been exempted development.

(b) Please also note that the building is listed on the National Inventory of Architectural Heritage as being of regional importance (Ref: 20512896). It is noted that replacement windows have been fitted to the front elevation. Please advise whether it is intended to replace these windows with timber up and down sliding sash windows or to retain the existing which appear to be unauthorised.

2. Please note that under the Sustainable Urban Housing – Design Standards for New Apartments a minimum storage area of 9 sq.m. is required for a 3 bedroom apartment. Please submit revised/drawings/details to show compliance with same in accordance with Article 10 sub article 6(d) (vi) of the Planning and Development Regulations 2001 (as amended).



**We are Cork.**

**COMHAIRLE CATHRACH CHORCAÍ**  
**CORK CITY COUNCIL**

Strategic Planning & Economic Development Directorate,  
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail [planning@corkcity.ie](mailto:planning@corkcity.ie)

Fón/Tel: 021-4924564/4321

Líonra/Web: [www.corkcity.ie](http://www.corkcity.ie)

**SECTION 5 DECLARATION APPLICATION FORM**  
under Section 5 of the Planning & Development Acts 2000 (as amended)

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

124, ST. PATRICK STREET, CORK T12 AXRS

**2. 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.

IS THE CHANGE OF USE FROM UPPER FLOOR RETAIL (STORAGE)  
EXEMPT UNDER 'S.I. No. 30/2018 PLANNING AND DEVELOPMENT (AMENDED)  
(NO. 2) REGULATIONS'.  
THE DEVELOPMENT WOULD ALSO INCLUDE A NEW GROUND FLOOR EXTERNAL  
DOOR WITHIN THE EXISTING SHOP FRONT.

**ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:**

(Use additional sheets if required).

THE PROPOSED USE IS RESIDENTIAL, SPECIFICALLY A MAISONETTE  
OVER 3 FLOORS. THE CURRENT GROUND FLOOR USE IS RETAIL  
AND THIS WILL NOT CHANGE.

### 3. 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	GROUND FLOOR RETAIL 52.4 SQ.M. APARTMENT / MASQUETTE 117.7 SQ.M.
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas. (sq m) _____
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle)	Proposed/existing use (please circle)
RETAIL (STORAGE)	RESIDENTIAL

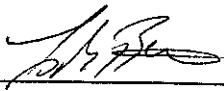
### 4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):	P'S MAHER, SEAMUS MAHER, MICHAEL MAHER		
Applicants Address	THE MALL THURLES Co. TIPPERARY		
Person/Agent acting on behalf of the Applicant (if any):	Name:	BRIAN O'KENNEDY & ASSOCIATES	
	Address:	SHANNON HOUSE CHURCH ROAD DOUGLAS Co. CORK.	
	Telephone:	[REDACTED]	
	Fax:	[REDACTED]	
	E-mail address:	[REDACTED]	
Should all correspondence be sent to the above address? <small>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)</small>	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>

### 5. 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 and address of the owner if available		

6.1 / We confirm that the information contained in the application is true and accurate:

Signature:  \_\_\_\_\_

Date: 06-11-2018

7. 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.

Contact number	
Email address	

**ADVISORY NOTES:**

The application must be accompanied by the required fee of €80

The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

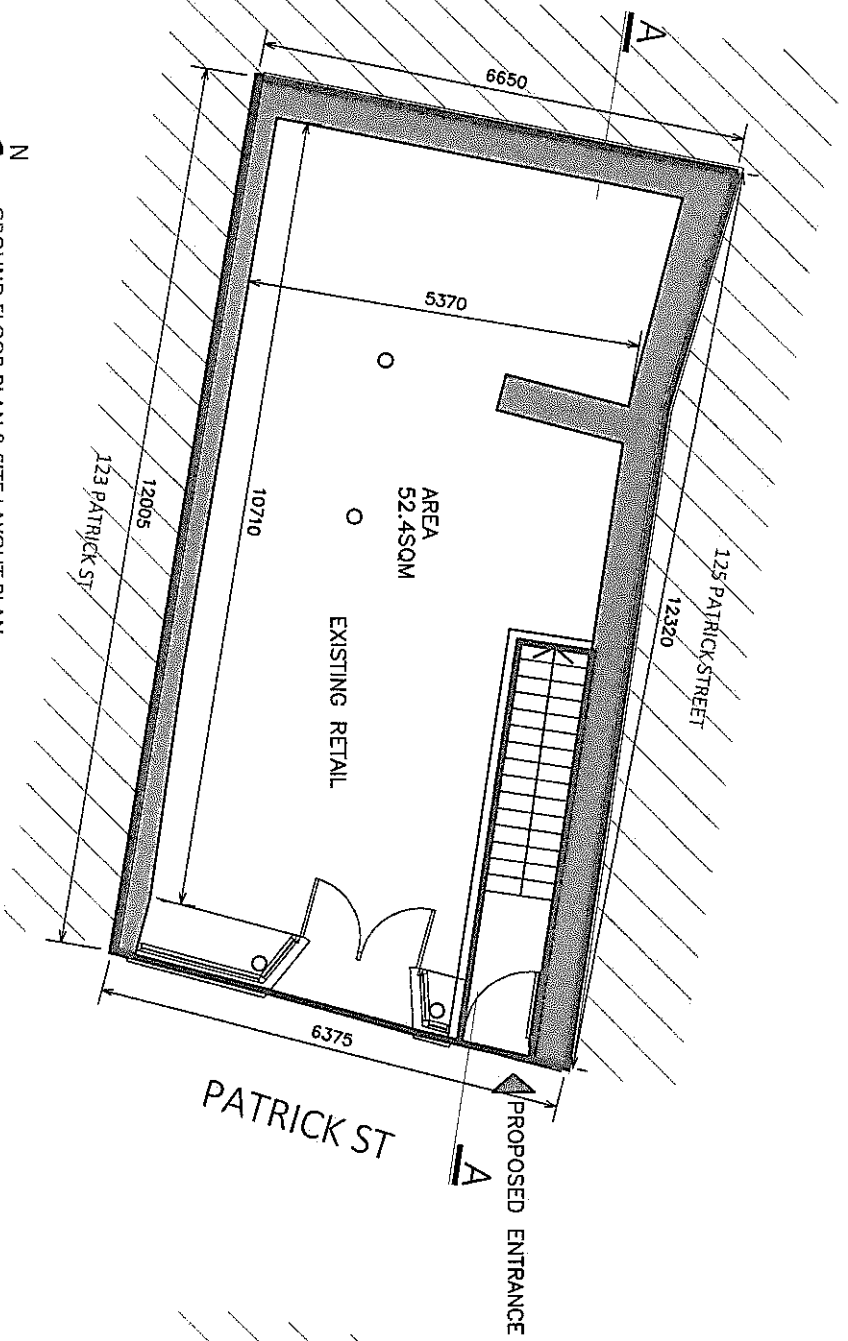
Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

The application should be sent to the following address:

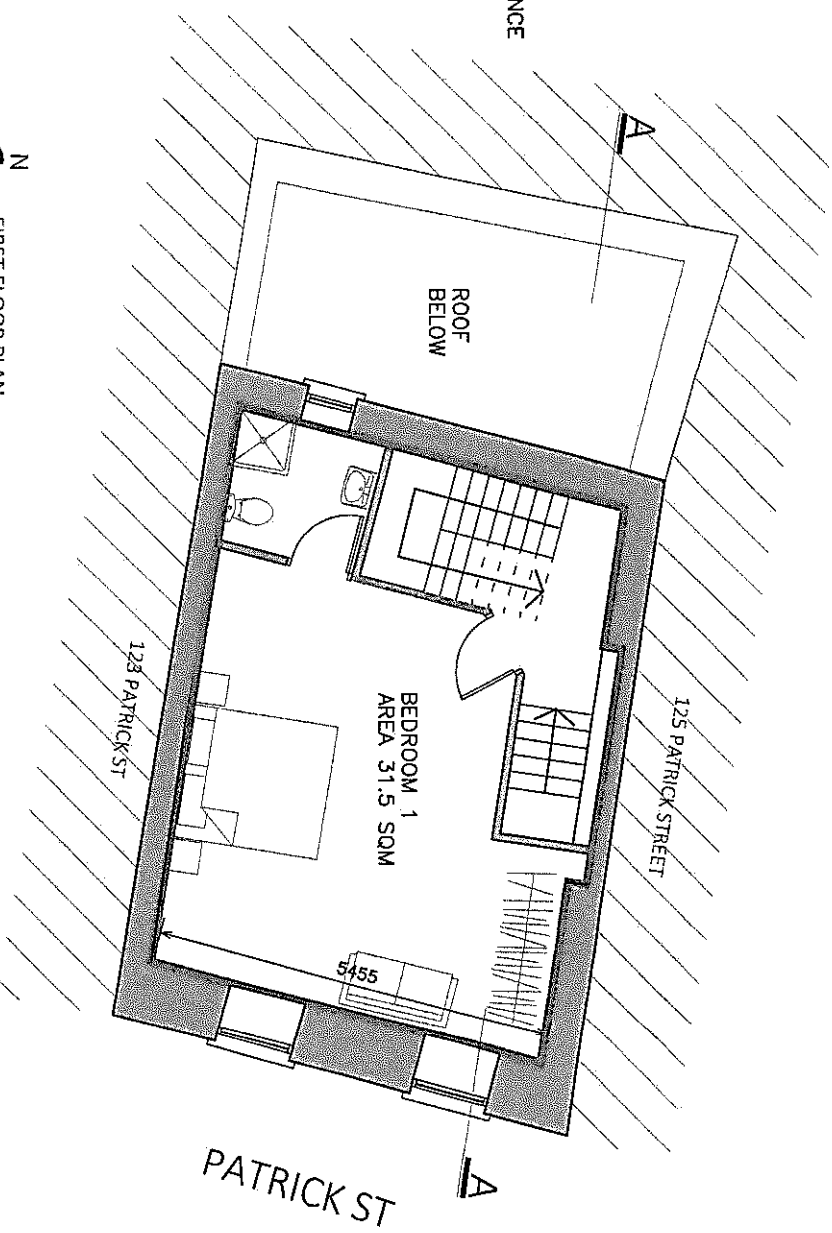
The Development Management Section, Strategic Planning & Economic Development  
Directorate, Cork City Council, City Hall, Anglesea Street, Cork.

- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- 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.

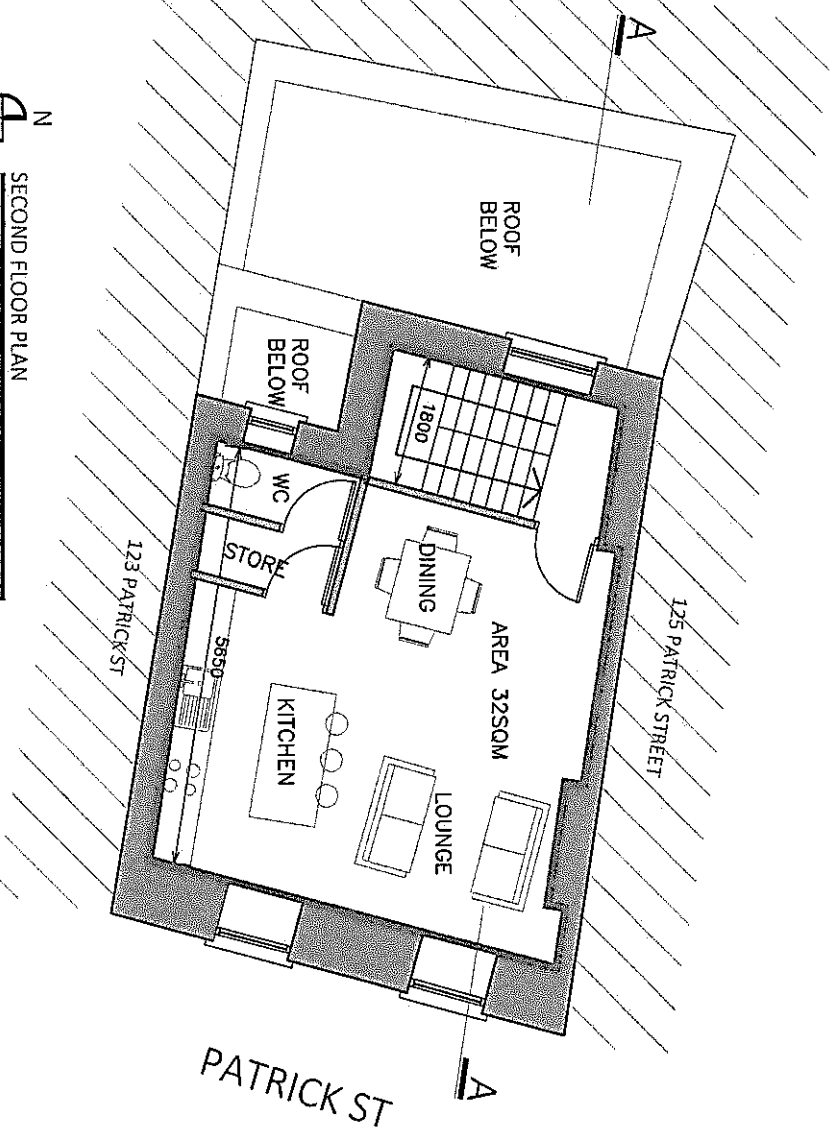
*The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation 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.*



GROUND FLOOR PLAN & SITE LAYOUT PLAN  
Scale 1:100



FIRST FLOOR PLAN  
Scale 1:100



SECOND FLOOR PLAN  
Scale 1:100



THIRD FLOOR PLAN  
Scale 1:100

EXISTING BUILDING FINISHES:  
PAINTED RENDER WALLS  
PVC WINDOWS  
SLATE ROOF TILES

AREA DECLARED AS EXEMPT FOR  
CHANGE OF USE TO RESIDENTIAL  
OUTLINED IN GREEN

SITE OUTLINED IN RED

APARTMENT SCHEDULE OF AREAS

LIVING:	27.55SQM
BEDROOM 1:	12SQM
BEDROOM 2:	11.55SQM
BEDROOM 3:	24SQM
STORAGE:	4SQM
CIRCULATION:	31SQM
UTILITIES:	10.55SQM
<b>TOTAL:</b>	<b>52.45SQM</b>

- Notes:
1. This drawing is for planning purposes only. - If in doubt ask scale, figured dimensions only to be taken.
  2. Do not use the figures of any discrepancies before work proceeds.
  3. Contractor to check all dimensions and conditions on site before commencing works.
  4. Drawing to be read in conjunction with current Building Regulations.
  5. All components and materials to be installed fully in accordance with manufacturers instructions.

**BRIAN O KENNEDY & ASSOCIATES LTD**  
Consulting Engineers

Shannon House,  
Church Road,  
Douglas,  
Co. Cork  
Tel: 021-4899854  
Fax: 021-4899464  
Email: info@bok.ie  
Web: www.bok.ie

**ENGINEERS IRELAND**  
2017  
REGISTERED ARCHITECT

Project:  
CHANGE OF USE OF UPPER FLOOR  
FROM RETAIL (STORAGE) TO  
RESIDENTIAL AT 124 PATRICK STREET,  
CORK CITY.

Client:  
PJ MAHER, SEAMUS MAHER  
& MICHAEL MAHER

Drawing Title:  
FLOOR PLANS

Scale:	1:100 @A3	Date:	NOV 2018
Drawn By:	JB	Drawing Number:	18/5616-PL-01

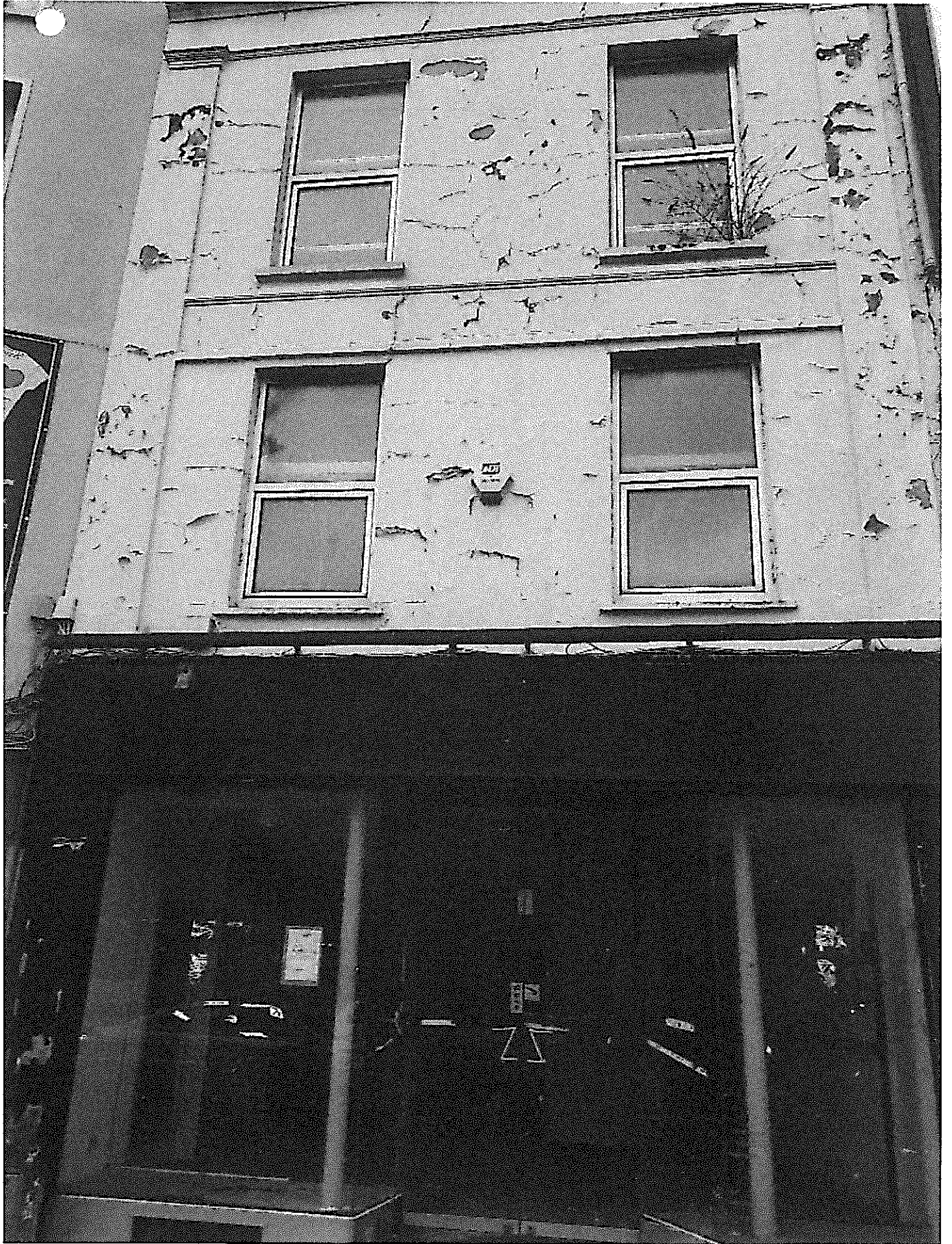
05.12  
revised  
28.11.2018



124 St. Patrick's St











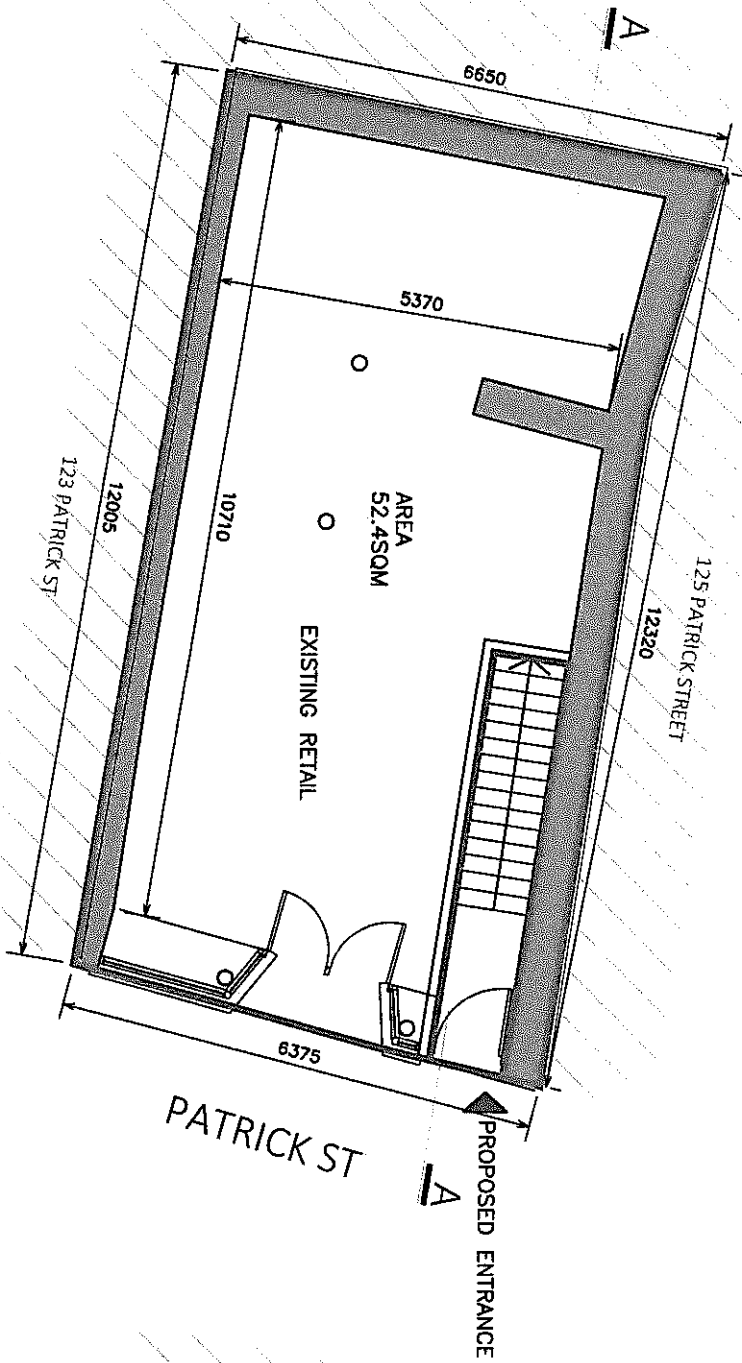




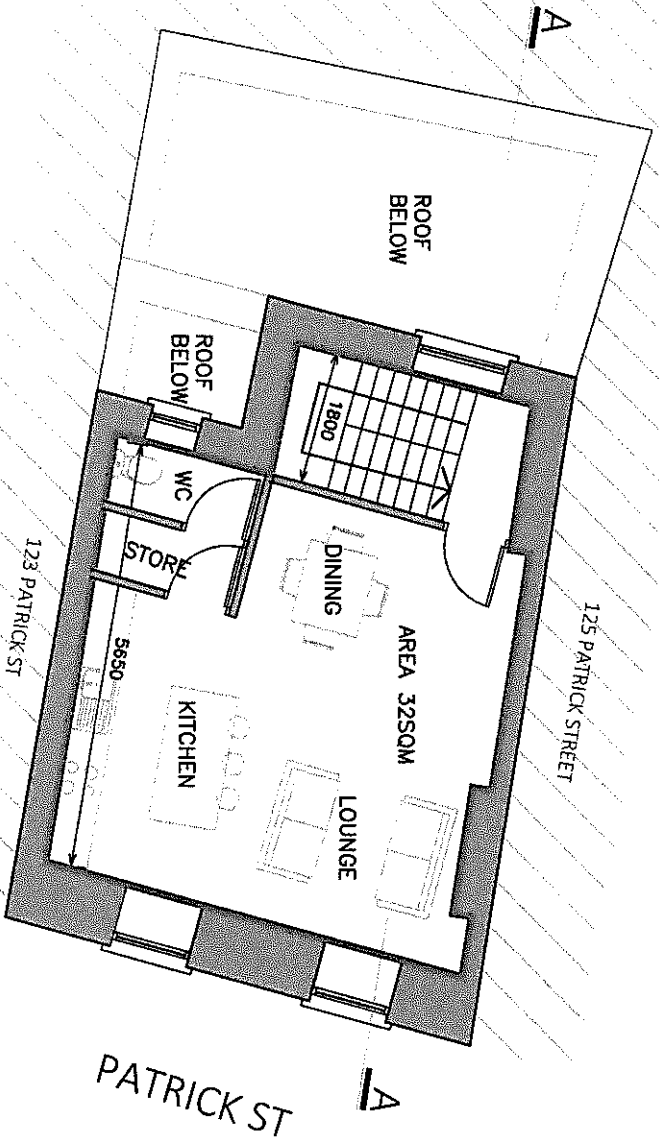




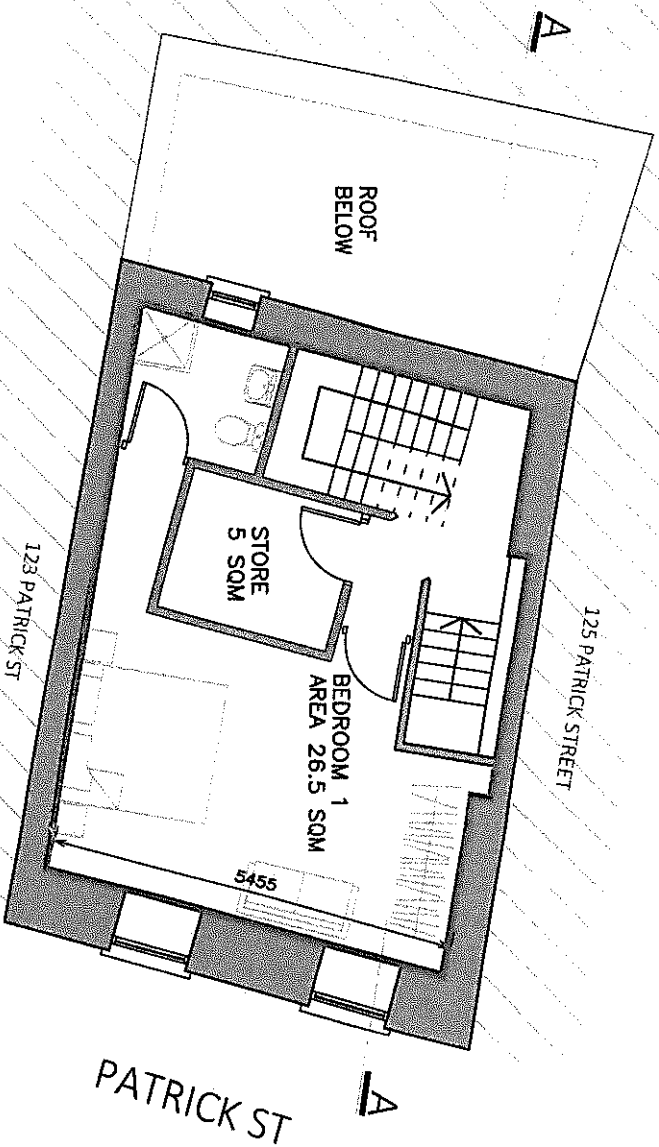




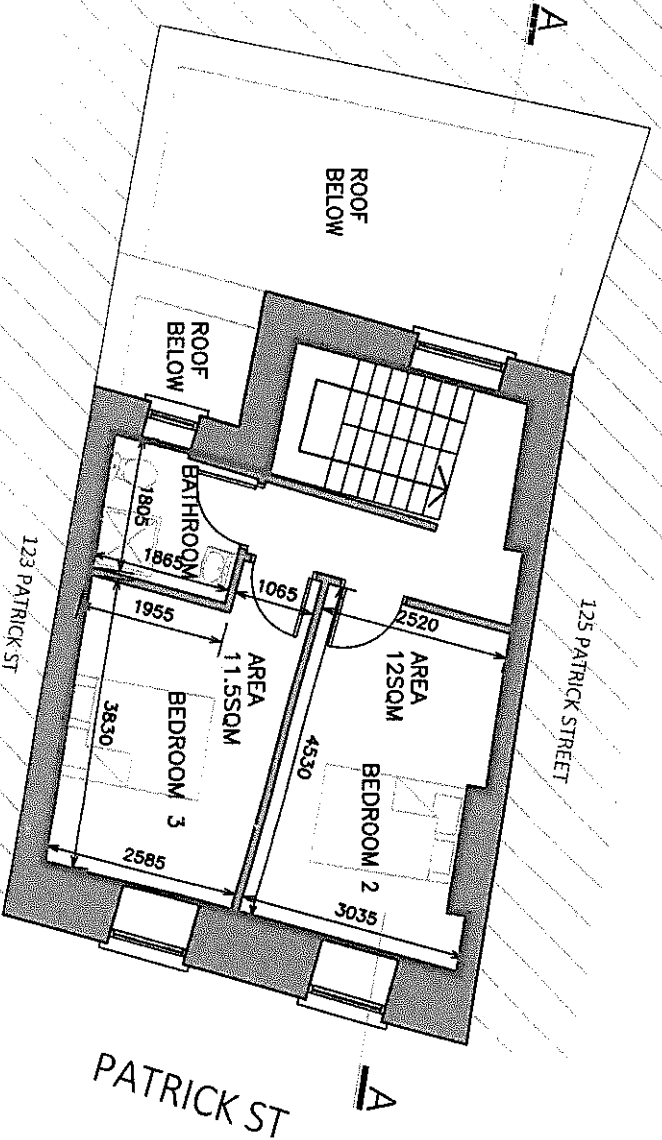
GROUND FLOOR PLAN & SITE LAYOUT PLAN  
Scale 1 : 100



SECOND FLOOR PLAN  
Scale 1 : 100



FIRST FLOOR PLAN  
Scale 1 : 100



THIRD FLOOR PLAN  
Scale 1 : 100

EXISTING BUILDING FINISHES:  
PAINTED RENDER WALLS  
PVC WINDOWS  
SLATE ROOF TILES

AREA DECLARED AS EXEMPT FOR CHANGE OF USE TO RESIDENTIAL OUTLINED IN GREEN

SITE OUTLINED IN RED

APARTMENT SCHEDULE OF AREAS

LIVING:	32SQM
BEDROOM 1:	31.55SQM
BEDROOM 2:	12SQM
BEDROOM 3:	11SQM
UTILITIES/STORAGE:	10.55SQM

Notes:

1. This drawing is for planning purposes only, - it is not a contract.
2. Do not scale, figured dimensions only to be taken.
3. Engineer to be informed of any discrepancies.
4. Do not work without the written approval of the engineer.
5. Do not work without the written approval of the engineer.
6. All work to be done in accordance with current Building Regulations.
7. All work to be done in accordance with current Building Regulations.
8. All work to be done in accordance with current Building Regulations.
9. All work to be done in accordance with current Building Regulations.
10. All work to be done in accordance with current Building Regulations.

1	Layout Change	14/11/2017	14/11/2017
2	Layout Change	14/11/2017	14/11/2017
3	Layout Change	14/11/2017	14/11/2017

**BRIAN O KENNEDY & ASSOCIATES LTD**  
Consulting Engineers

Shannon House,  
Church Road,  
Douglas,  
Co. Cork  
Tel: 021-4899854  
Fax: 021-4899464  
Email: info@bok.ie  
Web: www.bok.ie

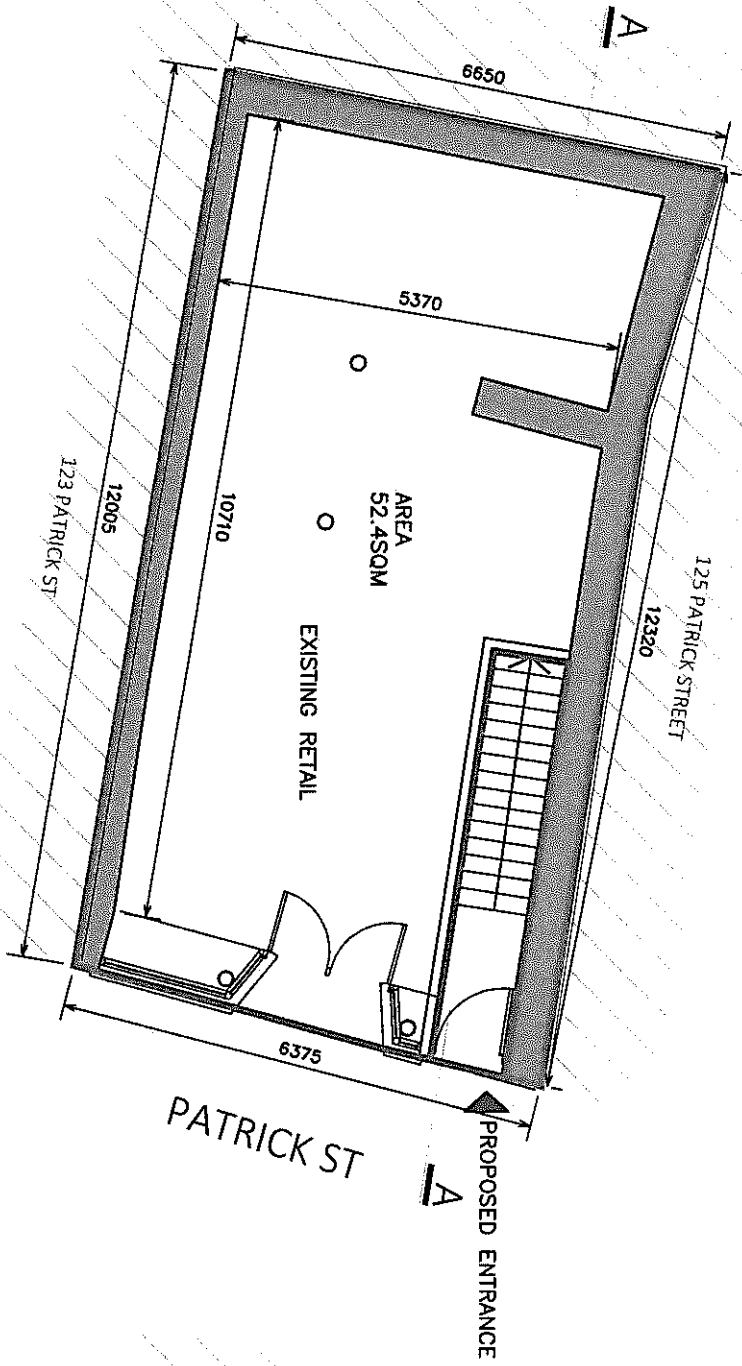
**ENGINEERS IRELAND**  
REGISTERED  
2017

Project:  
CHANGE OF USE OF UPPER FLOOR FROM RETAIL (STORAGE) TO RESIDENTIAL AT 124 PATRICK STREET, CORK CITY.

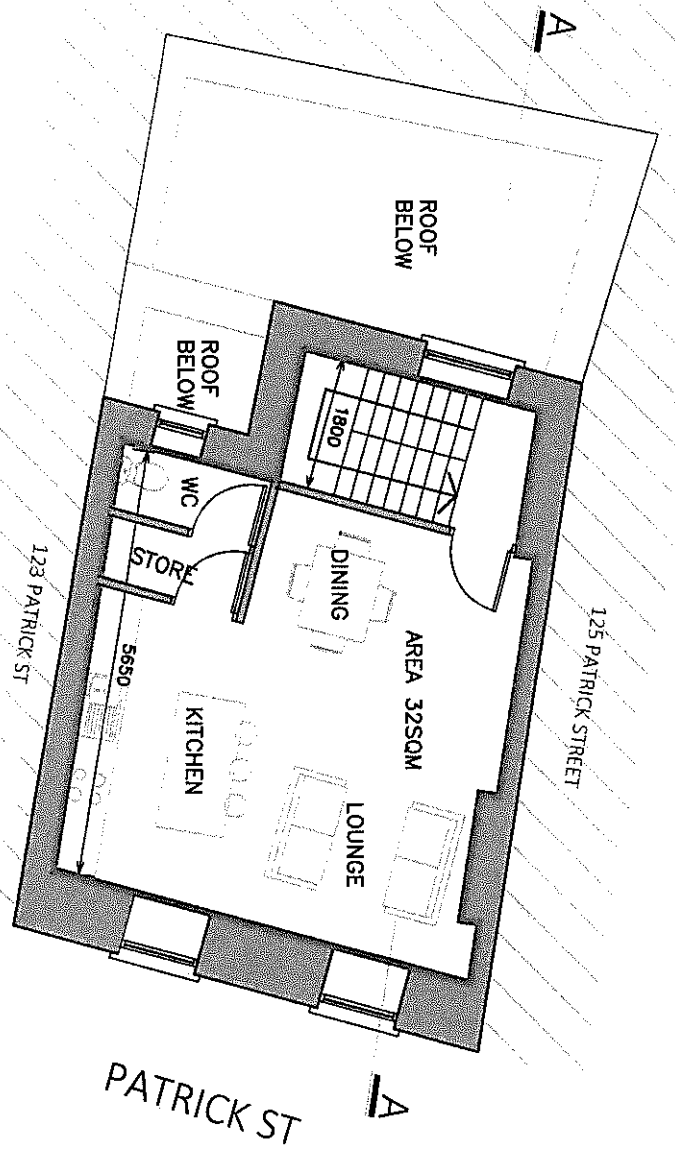
Client:  
PJ MAHER, SEAMUS MAHER & MICHAEL MAHER

Drawing Title:  
FLOOR PLANS

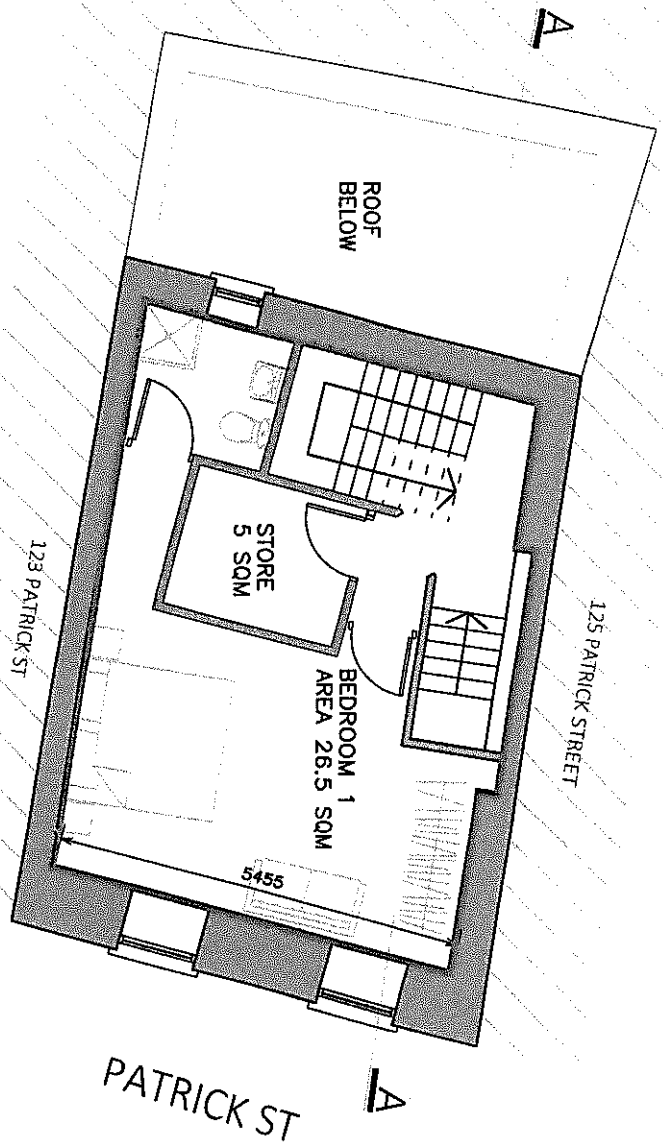
Scale:	Date:	Revision:
1:100 @A3	NOV 2018	2
Drawn By:	Checked By:	
JB	18/5/16-PL-01	



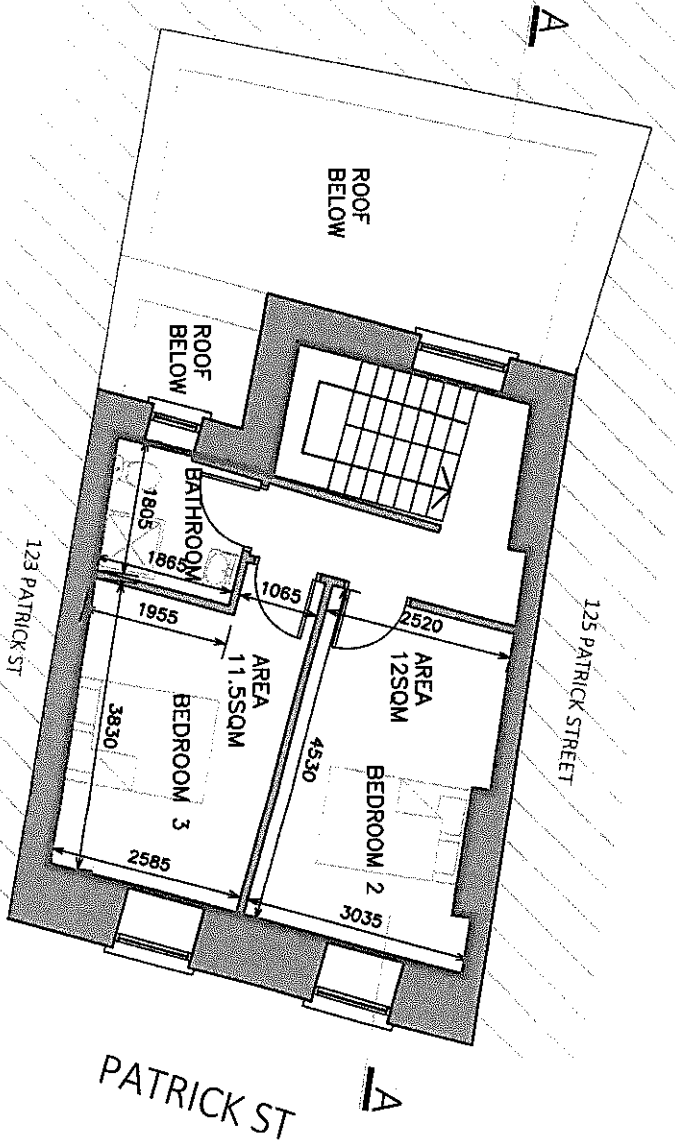
GROUND FLOOR PLAN & SITE LAYOUT PLAN  
Scale 1 : 100



SECOND FLOOR PLAN  
Scale 1 : 100



FIRST FLOOR PLAN  
Scale 1 : 100



THIRD FLOOR PLAN  
Scale 1 : 100

EXISTING BUILDING FINISHES:  
PAINTED RENDER WALLS  
PVC WINDOWS  
SLATE ROOF TILES

AREA DECLARED AS EXEMPT FOR CHANGE OF USE TO RESIDENTIAL OUTLINED IN GREEN

SITE OUTLINED IN RED

APARTMENT SCHEDULE OF AREAS

LIVING:	32SQM
BEDROOM 1:	31.5SQM
BEDROOM 2:	12SQM
BEDROOM 3:	11SQM
UTILITIES/STORAGE:	10.5SQM

- NOTES:
1. This drawing is for planning purposes only - If in doubt ask.
  2. Do not scale, figured dimensions only to be taken.
  3. Engineer to be informed of any discrepancies before work proceeds.
  4. Contractor to check all dimensions and conditions on site before commencing works.
  5. Drawing to be read in conjunction with current Building Regulations.
  6. All components and materials to be installed fully in accordance with manufacturers instructions.

1	Layout Change	14/11/2018
2	Layout Change	14/11/2018
3	Revised Comments	14/11/2018

**BRIAN O KENNEDY & ASSOCIATES LTD**  
Consulting Engineers

Shannon House,  
Church Road,  
Douglas,  
Co. Cork

Tel: 021-4899854  
Fax: 021-4899464  
Email: info@bok.ie  
Web: www.bok.ie

**ENGINEERS IRELAND**

Project: CHANGE OF USE OF UPPER FLOOR FROM RETAIL (STORAGE) TO RESIDENTIAL AT 124 PATRICK STREET, CORK CITY.

Client: PJ MAHER, SEAMUS MAHER & MICHAEL MAHER

Drawing Title: FLOOR PLANS

Scale: 1:100 @A3

Date: NOV 2018

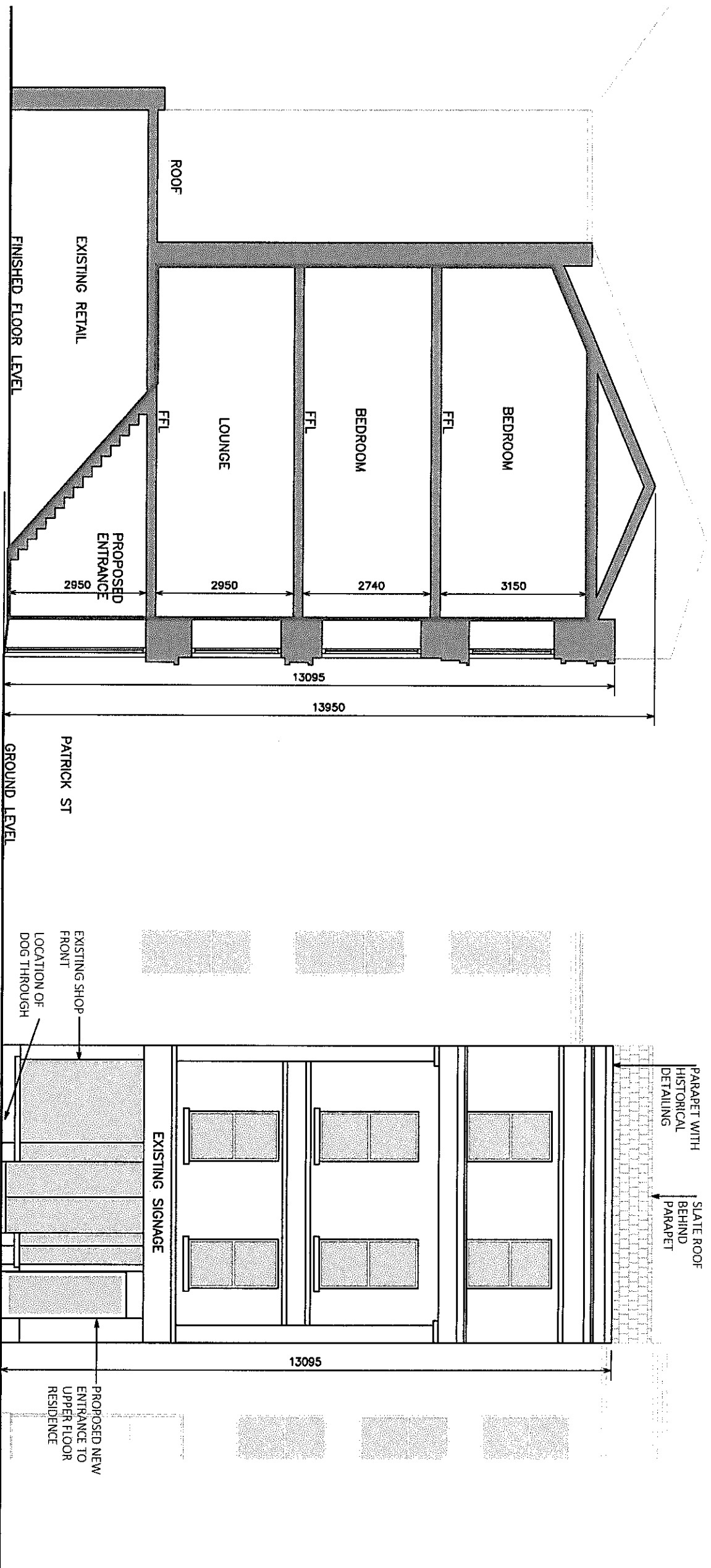
Drawn By: JIB

Drawing Number: 18/5616-PL-01

Revision: 2

EXISTING BUILDING FINISHES:  
 PAINTED RENDER WALLS  
 PVC WINDOWS  
 SLATE ROOF TILES

AREA DECLARED AS EXEMPT FOR  
 CHANGE OF USE TO RESIDENTIAL  
 OUTLINED IN GREEN



SECTION AA  
 Scale 1 : 100

FRONT ELEVATION  
 Scale 1 : 100

NOTE: SIDE AND REAR ELEVATION NOT PROVIDED  
 AS BUILDING IS ENCLOSED ON THESE SIDES

- Notes:**
1. This drawing is for planning purposes only - if in doubt ask.
  2. Do not scale, figured dimensions only to be taken.
  3. Engineer to be informed of any discrepancies before work proceeds.
  4. Contractor to check all dimensions and conditions on site before commencing works.
  5. Drawing to be read in conjunction with current Building Regulations.
  6. All components and materials to be installed fully in accordance with manufacturers instructions.

Ref	Revised	Comments	Date
1		DOG THROUGH LOCATION	14-01-2017

**BRIAN O KENNEDY & ASSOCIATES LTD**  
 Consulting Engineers

Shannon House,  
 Church Road,  
 Douglas,  
 Co. Cork

Tel: 021-4899854  
 Fax: 021-4899464  
 Email: info@bok.ie  
 Web: www.bok.ie

**ENGINEERS IRELAND**

Project:  
 CHANGE OF USE OF UPPER FLOOR  
 FROM RETAIL (STORAGE) TO  
 RESIDENTIAL AT 124 PATRICK STREET,  
 CORK CITY.

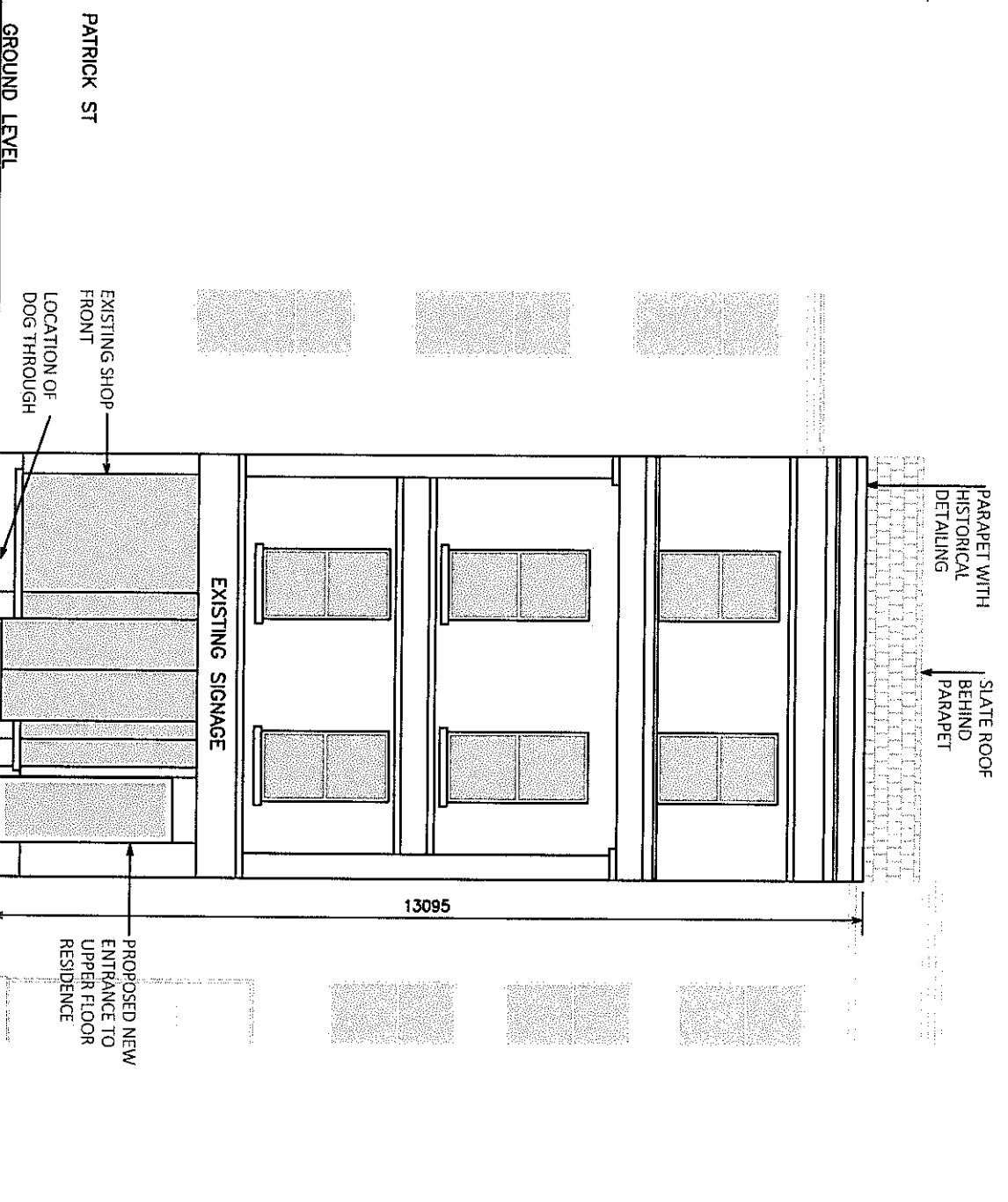
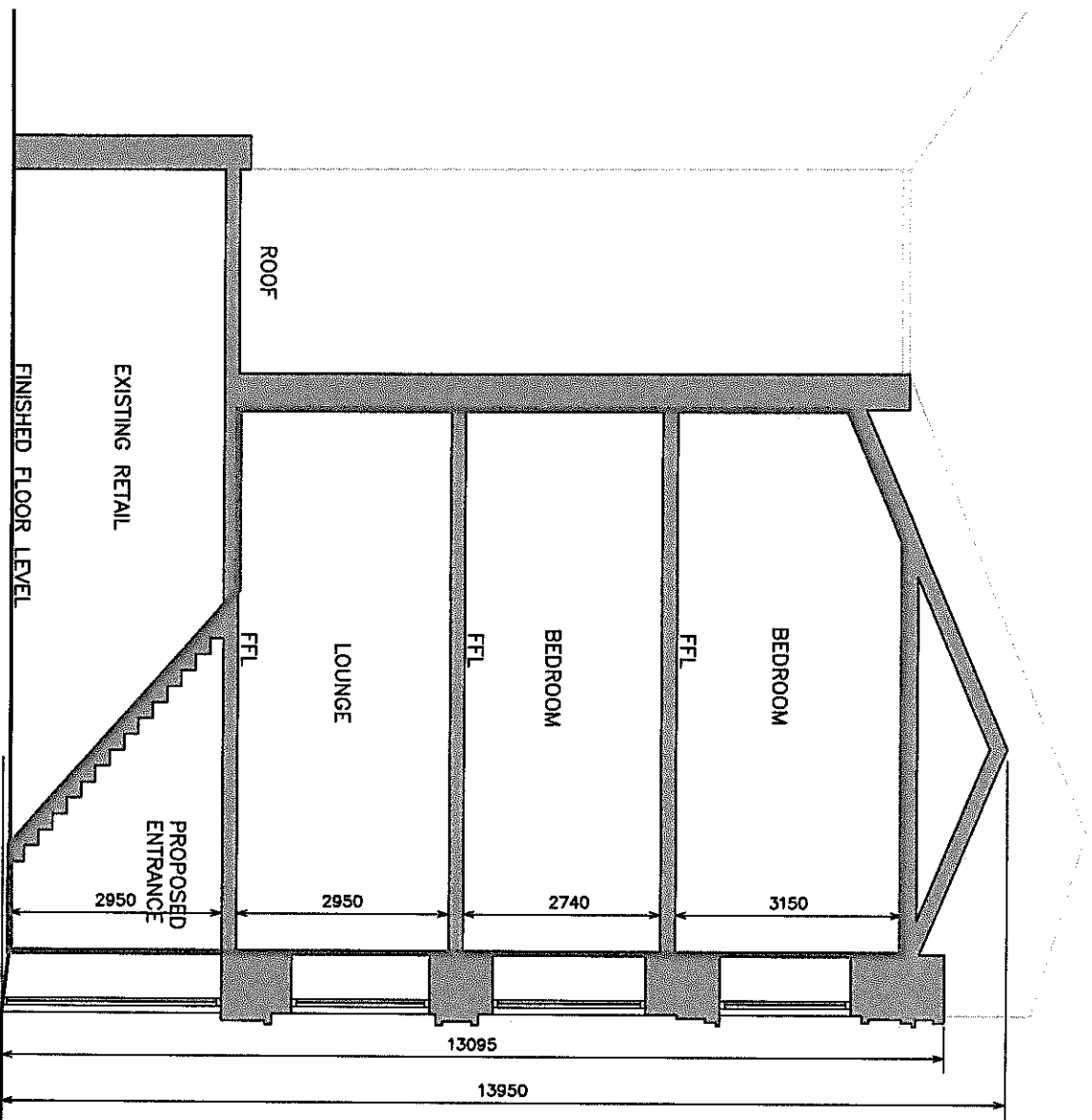
Client:  
 PJ MAHER, SEAMUS MAHER  
 & MICHAEL MAHER

Drawing Title:  
 SECTION AND ELEVATION

Scale	Date	Revision
1:100 @A3	NOV 2018	1

Drawn By: JB  
 Drawing Number: 18/5616-PL-02

EXISTING BUILDING FINISHES:  
 PAINTED RENDER WALLS  
 PVC WINDOWS  
 SLATE ROOF TILES  
 AREA DECLARED AS EXEMPT FOR  
 CHANGE OF USE TO RESIDENTIAL  
 OUTLINED IN GREEN



NOTE: SIDE AND REAR ELEVATION NOT PROVIDED  
 AS BUILDING IS ENCLOSED ON THESE SIDES

**NOTES:**

1. This drawing is for planning purposes only. - If in doubt ask.
2. Do not scale, figured dimensions only to be taken.
3. Engineer to be informed of any discrepancies before work proceeds.
4. Contractor to check all dimensions and conditions on site before commencing works.
5. Drawing to be read in conjunction with current Building Regulations.
6. All components and materials to be installed fully in accordance with manufacturers instructions.

Revised	Comments	Date
1	DOG THROUGH/LOCATION	14/01/2018

**BRIAN O KENNEDY & ASSOCIATES LTD**  
 Consulting Engineers

Shannon House,  
 Church Road,  
 Douglas,  
 Co. Cork.  
 Tel: 021-4899854  
 Fax: 021-4899464  
 Email: info@bok.ie  
 Web: www.bok.ie

**ENGINEERS IRELAND**

Project: CHANGE OF USE OF UPPER FLOOR FROM RETAIL (STORAGE) TO RESIDENTIAL AT 124 PATRICK STREET, CORK CITY.

Client: PJ MAHER, SEAMUS MAHER & MICHAEL MAHER

Drawing Title: SECTION AND ELEVATION

Scale	Date	Revision
1:100 @A3	NOV 2018	1

Drawn By: JB





**BRIAN O KENNEDY  
& ASSOCIATES LTD**  
Consulting Engineers

Shannon House,  
Church Road,  
Douglas,  
Cork.

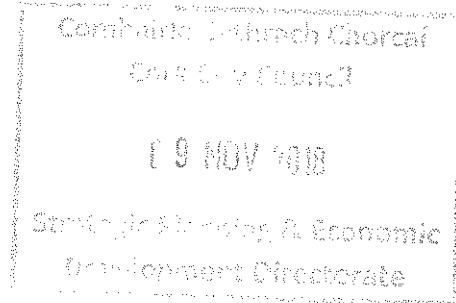
**Tel:** 021-4899854  
**Fax:** 021-4899864  
**Email:** info@bok.ie  
**Web:** www.bok.ie

**Our Ref:** BOK/JB/18/5616

**Your Ref:**

**Date:** 6<sup>th</sup> November 2018

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



COVER LETTER

**Re: Section 5 Reference – 124, St. Patrick Street, Cork City.  
Change of use of above shop to residential**

**Applicants:** PJ Maher, Seamus Maher,  
Michael Maher  
The Mall  
Thurles  
Co. Tipperary

**Agent:** Brian O'Kennedy & Associates  
Consulting Engineers  
Shannon House  
Church Road  
Douglas  
Co. Cork

**Correspondence to:** Agent

**Location of development:** 124, St. Patrick Street, Cork

**Nature of development:** Change of use of 3 upper floors of existing retail unit to residential, along with new ground floor external door within existing shopfront, with ground floor retail unit remaining unchanged.

## 1.0 Introduction

We make the following submission to the City Council under the provisions of Section 5 of the Planning and Development Act 2000 (as amended). This submission is made on behalf of Pj Maher, Seamus Maher, and Michael Maher, of The Mall, Thurles, Co. Tipperary, owners of the commercial building to which this reference applies.

The submission is accompanied by cheque made payable to Cork City Council in the amount of €80.

## 2.0 Section 5 Reference

The reference relates to a question as to whether the change of use we propose made to the building, namely; the provision of an apartment/maisonette above a shop, is or is not exempted development.

The building at 124 St. Patrick Street, Cork is part of the main Patrick Street shopping area of the city. The building is not a protected structure, nor is it sited within an area of conservation (ACA).

### **3.0 Conclusion & Case Made**

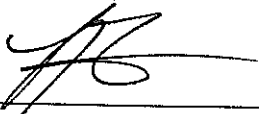
We refer to S.I. 30 2018 Planning and Development Amendment (No.2) Regulations 2018, and submit that this proposal is typical of the reason this amendment was introduced.

- We submit that the building has been used as a shop (Class 1) and this use pre-dates the introduction of the planning act 1963 and planning regulations 1964.
- We submit that the building has been unoccupied for over 2 years immediately prior to this date, and if required can provide documentary evidence from local auctioneers.
- We submit that the proposed apartment/maisonette substantially satisfies the guidelines set out by 2018 Design Standards for New Apartments as set out by the Department Housing, Planning and Local Government.

### **4.0 Submitted Documents**

- 2no. Copies of Section 5 Declaration Application Form.
- 2no. Copies of Plans, Cross Section and Proposed Front Elevation, including schedule of floor areas.
- 2no. Copies of Site Location Map.

We trust everything is in order regarding this application, please don't hesitate to contact us with any queries.



---

John Butt MRIAI PSDP  
Brian O'Kennedy & Associates Ltd

# Planning Pack Map



National Mapping Agency

**CENTRE COORDINATES:**  
ITM 567595,572102

**PUBLISHED:** 07/11/2018  
**ORDER NO.:** 50032813\_1

**MAP SERIES:** 1:1,000  
**MAP SHEETS:** 6382-10

**SITE OUTLINED IN RED**

**COMPILED AND PUBLISHED BY:**  
Ordnance Survey Ireland,  
Phoenix Park,  
Dublin 8,  
Ireland.

Unauthorised reproduction infringes Ordnance Survey Ireland and Government of Ireland copyright.

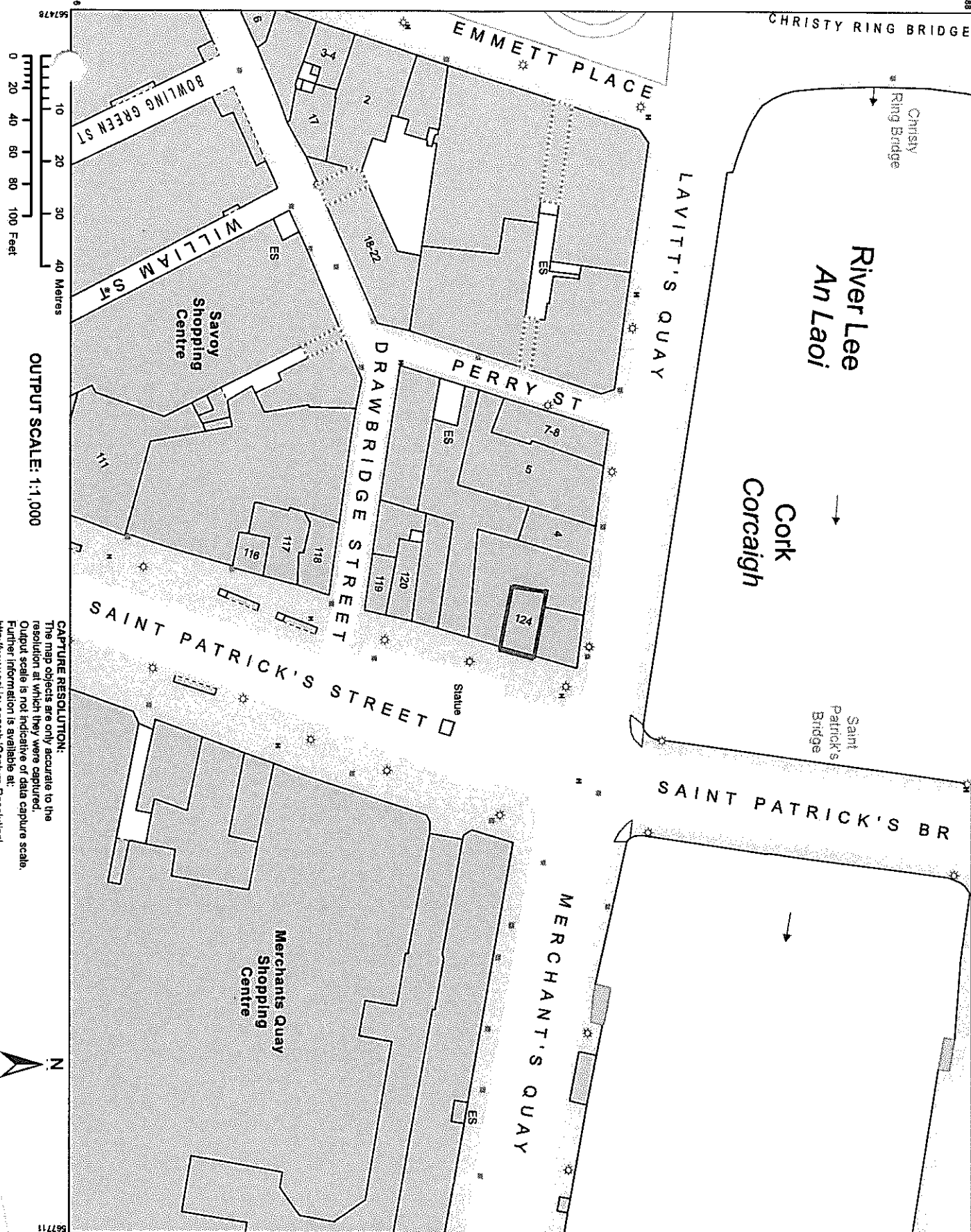
All rights reserved.  
No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owners.

The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.

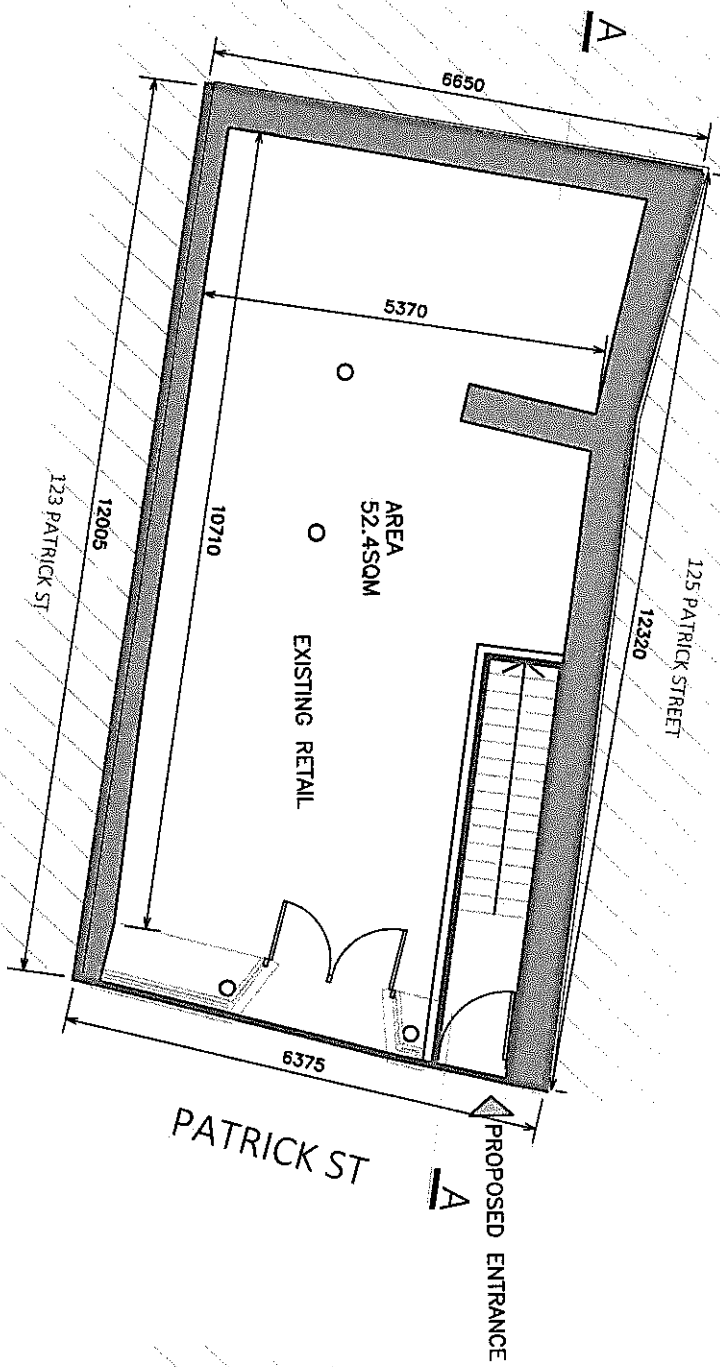
© Suirbhreacht Ordánais Éireann,  
2018  
© Ordnance Survey Ireland, 2018  
[www.osi.ie/copyright](http://www.osi.ie/copyright)

**LEGEND:**

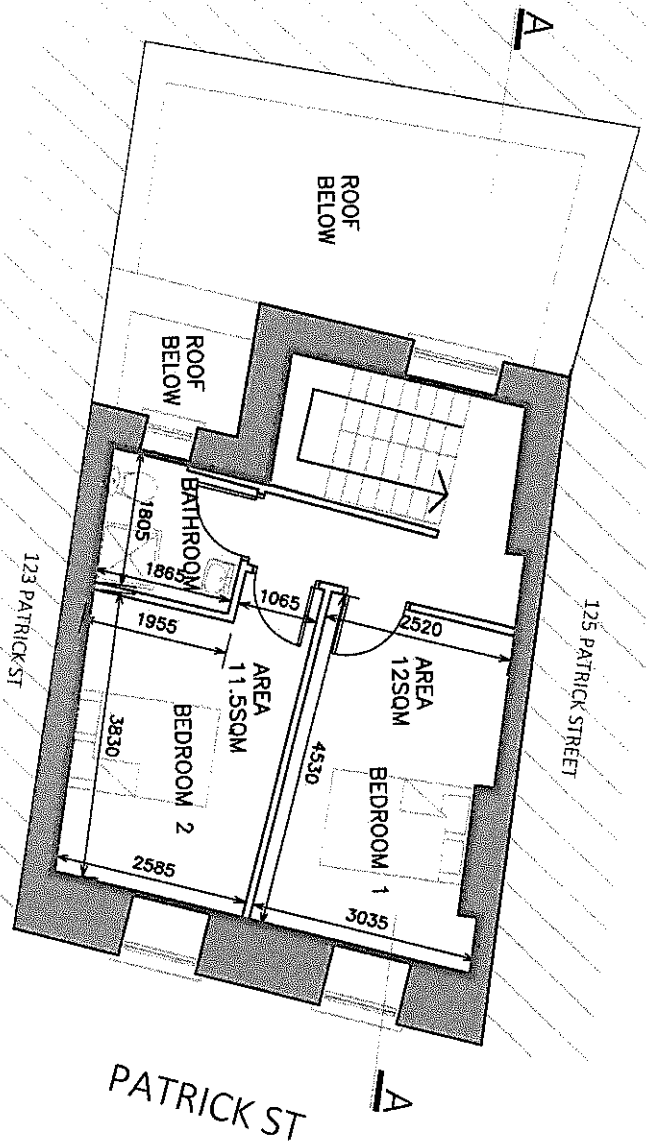


OUTPUT SCALE: 1:1,000

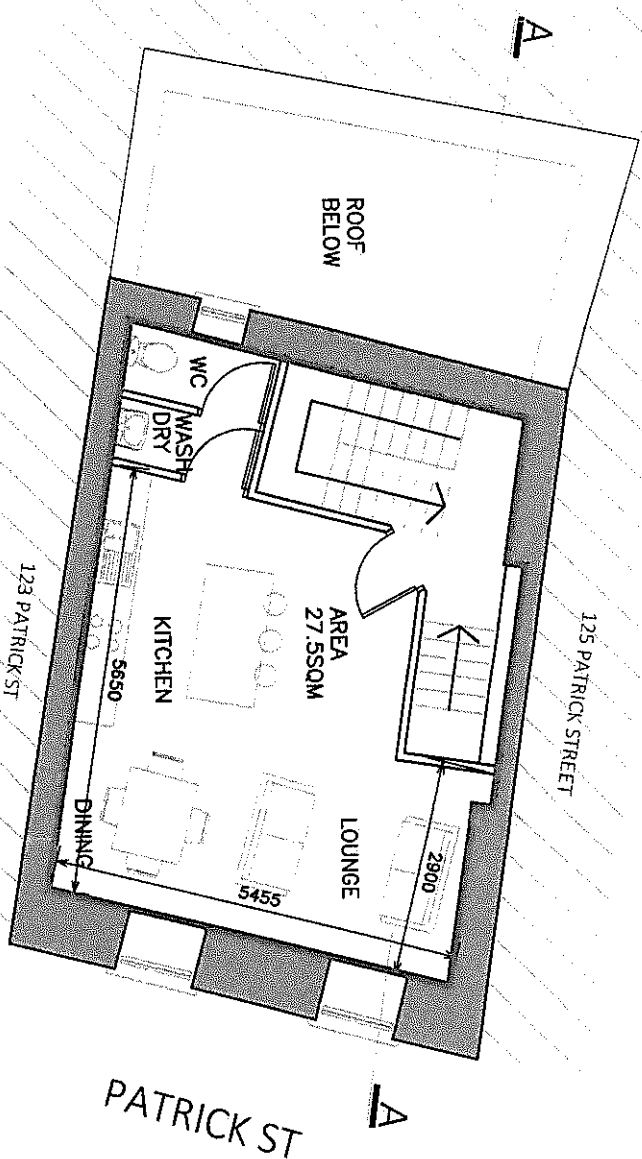
**CAPTURE RESOLUTION:**  
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: <http://www.osi.ie/search/CaptureResolution/>



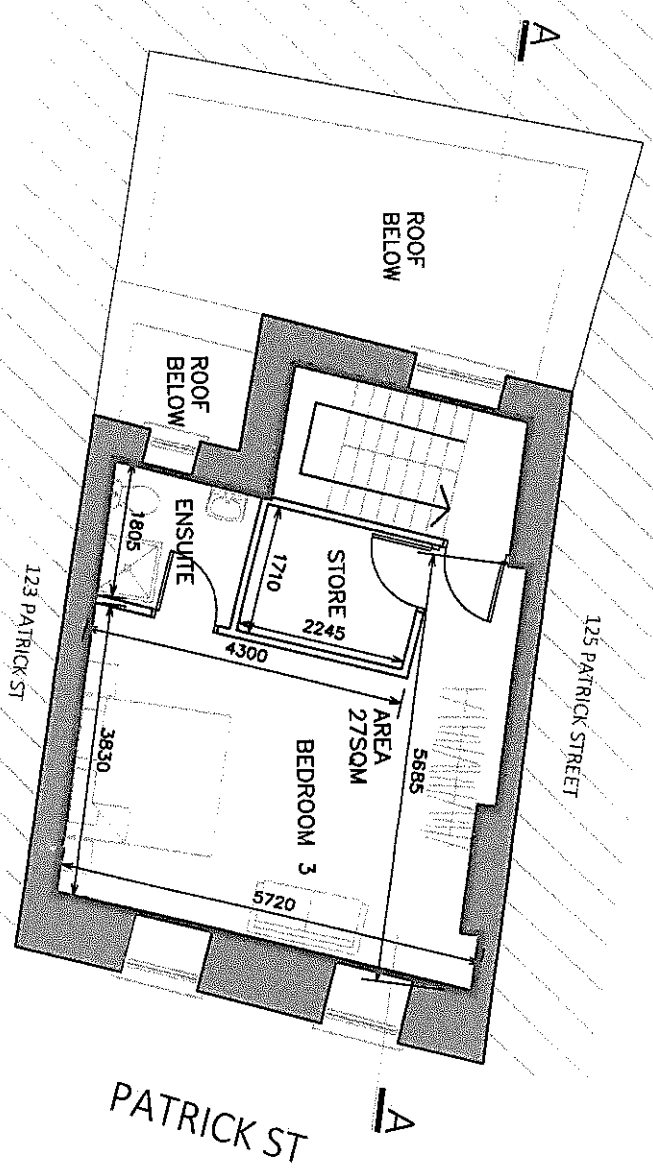
GROUND FLOOR PLAN & SITE LAYOUT PLAN  
Scale 1 : 100



SECOND FLOOR PLAN  
Scale 1 : 100



FIRST FLOOR PLAN  
Scale 1 : 100



THIRD FLOOR PLAN  
Scale 1 : 100

EXISTING BUILDING FINISHES:  
PAINTED RENDER WALLS  
PVC WINDOWS  
SLATE ROOF TILES

AREA DECLARED AS EXEMPT FOR CHANGE OF USE TO RESIDENTIAL OUTLINED IN GREEN

SITE OUTLINED IN RED

APARTMENT SCHEDULE OF AREAS

LIVING:	27.5SQM
BEDROOM 1:	12SQM
BEDROOM 2:	11.5SQM
BEDROOM 3:	24SQM
STORAGE:	4SQM
CIRCULATION:	31SQM
UTILITIES:	10.5SQM
<b>TOTAL:</b>	<b>52.4SQM</b>

- Notes:
1. This drawing is for planning purposes only. - If'n doubt ask.
  2. Do not scale, figured dimensions only to be taken before work proceeds.
  3. Engineer to be informed of any discrepancies on site before commencing works.
  4. Contractor to check all dimensions and conditions on site before commencing works.
  5. Drawing to be read in conjunction with current Building Regulations.
  6. All components and materials to be installed fully in accordance with manufacturers instructions.

**BRIAN O KENNEDY & ASSOCIATES LTD**  
Consulting Engineers

Shannon House,  
Church Road,  
Douglas,  
Co.Cork  
Tel: 021-4899854  
Fax: 021-4899464  
Email: info@bok.ie  
Web: www.bok.ie

**ENGINEERS IRELAND**  
REGISTERED ARCHITECT 2017

Project:  
CHANGE OF USE OF UPPER FLOOR FROM RETAIL (STORAGE) TO RESIDENTIAL AT 124 PATRICK STREET, CORK CITY.

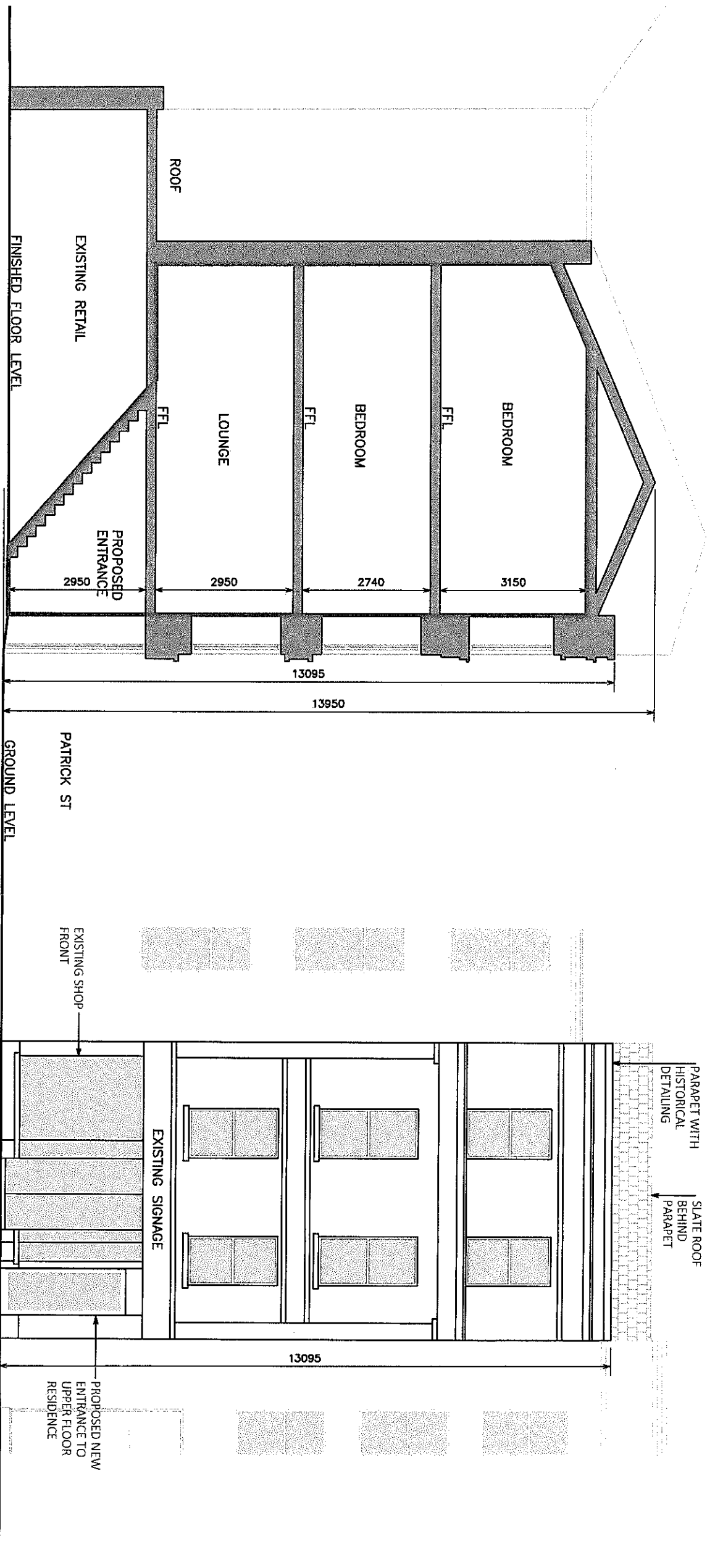
Client:  
PJ MAHER, SEAMUS MAHER & MICHAEL MAHER

Drawing Title: FLOOR PLANS

Scale:	1:100 @A3	Date:	NOV 2018	Revision:	
Drawn By:	JB	Drawing Number:	18/5616-PL-01		

EXISTING BUILDING FINISHES:  
 PAINTED RENDER WALLS  
 PVC WINDOWS  
 SLATE ROOF TILES

AREA DECLARED AS EXEMPT FOR  
 CHANGE OF USE TO RESIDENTIAL  
 OUTLINED IN GREEN



SECTION AA  
 Scale 1 : 100

123 PATRICK ST 124 PATRICK STREET 125 PATRICK ST  
 FRONT ELEVATION  
 Scale 1 : 100

NOTE: SIDE AND REAR ELEVATION NOT PROVIDED  
 AS BUILDING IS ENCLOSED ON THESE SIDES

- Notes:**
1. This drawing is for planning purposes only - If in doubt ask.
  2. Do not scale, figured dimensions only to be taken.
  3. Engineer to be informed of any discrepancies before work proceeds.
  4. Contractor to check all dimensions and conditions on site before commencing works.
  5. Drawing to be read in conjunction with current Building Regulations.
  6. All components and materials to be installed fully in accordance with manufacturers instructions.

Standard	Comments	Date

**BRIAN O KENNEDY & ASSOCIATES LTD**  
 Consulting Engineers

Shannon House,  
 Church Road,  
 Douglas,  
 Co. Cork  
 Tel: 021-4899854  
 Fax: 021-4899464  
 Email: info@bok.ie  
 Web: www.bok.ie

**ENGINEERS IRELAND**

**Project:**  
 CHANGE OF USE OF UPPER FLOOR  
 FROM RETAIL (STORAGE) TO  
 RESIDENTIAL AT 124 PATRICK STREET,  
 CORK CITY.

**Client:**  
 PJ MAHER, SEAMUS MAHER  
 & MICHAEL MAHER

**Drawing Title:**  
 SECTION AND ELEVATION

Scale	Date	Revision
1:100 @A3	NOV 2018	
Drawn By: JB	Drawing Number: 18/5616-PL-02	