



Comhairle Cathrach Chorcaí Cork City Council

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

Lascara Ltd
c/o Joe Sharkey
OCFPM
Unit 19 Charleville Town Centre
Charleville
Cork

25/06/2019

**RE Section 5 Declaration Retail Units, The Plaza,
Watercourse Rd, Cork**

Dear Sir/Madam,

With reference to your request for a section 5 Declaration at the above named property, I wish to advise as follows:

In view of the above and having regard to —

- Sections 2, 3, and 4 of the Planning and Development Act 2000 as amended, and
- Articles 5(2), 9 and 10 and Part 4 of Schedule 1 of the Planning and Development Regulations 2001 to 2018

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. Please submit a schedule of floor areas for all of the proposed residential units and a breakdown of the areas of each room within each unit, to enable the Planning Authority to assess the proposal further.
 - Please note that the proposed *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.*



We are Cork.

2. Please confirm the use of the units prior to it becoming vacant.
 - Please note that to comply with Article 10 of the Planning and Development Regulations 2001 to 2018 the structure concerned must have been in use as a use specified in Class 1, 2, 3 or 6 of Part 4 of Schedule 1 of the Planning and Development Regulations 2001 to 2018 at the time the building became vacant.

Having regard to the wording of the Amendment of article 10, 6 (c) (ii), the applicant would need to clarify if "*the structure has at some time been uses for the purpose of its current use class*". In order to avail of the exemption, the permitted use would have to have been commenced. Based on the details of the cover letter of the application, this is not fully clarified.

Yours Faithfully,



Paul Hartnett

Assistant Staff Officer

Development Management Section

Community, Culture and Placemaking Directorate

Cork City Council

Application type	SECTION 5 DECLARATION
Question	<i>Is the change of use of the retail units no. 5,6,7,8 and 9 at the ground floor from commercial to residential use development?</i>
Location	"The Plaza", City Square, Watercourse Road, Cork , Cork
Applicant	LASCARA Ltd
Date	21/06/2019
Recommendation	Further Information Required

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

The question to the planning authority is stated as: Referring to the Planning and Development (Amendment) No.2 Regulations 2013 (S.I. No. 30 of 2018) – providing an exemption , for a period of time, for the change of use and related works, of a vacant commercial premises for residential purposes.

The application is to enquire whether or not the proposed development complies with S.I. No. 30 of 2018 and is considered exempt from requiring planning permission.

3. SITE DESCRIPTION

The subject property is a two-storey corner/end-of-terrace building in the Inner City Residential Neighbourhood zoning area. The area is predominantly characterised by residential uses.

4. DESCRIPTION OF THE DEVELOPMENT

The permitted retail units are located within as permitted and constricted mixed use development located on Watercourse Road in the Blackpool area of the city. The permitted retail units are located on the ground floor of a 5 storey mixed use development. These uses front onto a wide plaza area on Watercourse Road. The remaining upper floors are predominantly residential.

Within this building, there is an existing medical centre operating from the ground floor in an adjoining larger unit to the south of these units. The 5 units, subject to this /section 5 application are currently vacant and have been vacant for as number of years.

5. RELEVANT PLANNING HISTORY

TP 04/29030 (PL 28.211784) – Permitted mixed use development at the site.

TP 04/29030 (PL 28.211783) - Permitted mixed use development at the site.

TP 13/35714 – Application refused for the use of the underground car park for use as a public car park

6. LEGISLATIVE PROVISIONS

6.1 Planning and Development Act, 2000 as amended

Section 2(1)

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

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

- (a) where the context so admits, includes the land on, in or under which the structure is situate, and*
- (b) in relation to a protected structure or proposed protected structure, includes—*
 - (i) the interior of the structure,*
 - (ii) the land lying within the curtilage of the structure,*
 - (iii) any other structures lying within that curtilage and their interiors, and*
 - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii).*

“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(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 Planning and Development Regulations 2001 to 2018 as amended

Article 9

Article 9 sets out restrictions on exemptions specified under article 6.

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 –*

- (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*

(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).

7. ASSESSMENT

7.1 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’. It is clear that the proposal constitutes a ‘material change in the use of any structures’. It is clearly therefore ‘development’ within the meaning of the Act.

CONCLUSION

Is development

7.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development. Section 2(1) of the Act defines ‘exempted development’ as having ‘the meaning specified in section 4’ of the Act (which relates to exempted development).

Section 4(3) of the Act states that exempted development either means development specified in section 4(1) or development which is exempted development having regard to any regulations under section 4(2).

Section 4(2)

It is considered that this proposal comes within the scope of section 4(2) as the works relate to a change of use. The substantive issues of the case are set out below.

The proposed works comprise the following:

“change of use of the retail units no. 5,6,7,8 and 9 at the ground floor from commercial to residential use”

Essentially this proposal involves the change of use of 5 retail units into 8 residential units. The breakdown of the proposed units is for:

4 x Studio apartments, 3 x 1-bedroom apartments, 1x 2-bedroom apartment.

I note that this exemption is being applied for under Article 10 of the Planning and Development Regulations 2001 to 2018 which state that any proposed development seeking exemption under these regulations must meet three specific criteria specified in Article 10 (6) (c) subject to the conditions and limitations set out in paragraph (d). These criteria are:

6 (c)

- 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,*

(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:*
 - (1) *an area to which a special amenity area order relates;*
 - (2) *an area of special planning control;*
 - (3) *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.*

I note the use of the phrasing “and” in section 6 (c) (ii) above which indicates that all three criteria must be met for an exemption to be granted. Each element of this section will be considered below.

- i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,*

I note that planning history as stated in this report. The application states that the units have been in situ since 2007. I also note that the units are visible on Google Street View in an image dated as June 2009, where they were not in occupation. I consider that this confirms that the structure was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018 and therefore meets the requirement of section 6 (c) (i) above.

- 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*

The permitted use is under Class 1 (retail). The cover letter of the application states that upon completion of these units they were fitted out as a gym / dance studio but not have been occupied as such and have remained unoccupied for the 12 years. Based on this immolation, it appears that the permitted use may not have ever commencement. Furthermore, the units were internally fitted out for a gym / dance studio use, which is a different Class Use (class 11) and would have required planning permission for a change of use. Class Use 11 is not included in the Class Uses for this exemption.

The applicant would need to clarify if the retails units had ever commencement. Based on the wording of 6 (c) (ii) above, the applicant would need to clarify if “the structure has at some time been uses for the purpose of its current use class”.

- 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,*

There is reliable evidence that the vacancy of these units is in excess of 2 years.

An assessment of the proposed development in relation to the specific elements of the legalisation is as follows:

Element of Legislation:	Compliance:
<i>i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,</i>	Yes
<i>(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</i>	Not clear.
<i>(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</i>	Yes

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.	Structure is built. Works are complete but use may never have commenced.
(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.	Yes
(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.	Yes
(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.	Yes
(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.	Yes
(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.	Not clear. Schedule of proposed residential unit sizes have not been submitted.
(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.	Yes
(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.	Yes
(ix) No development shall contravene a condition attached to permission under the Act or be inconsistent with any use specified or included in such permission.	Yes
(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.	Not applicable
(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.	Not applicable
(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	Not applicable

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.	
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Assessment of documents submitted

I do not consider that adequate details have been submitted to be able to accurately assess this application in accordance with Article 10(6)(d) of the Planning and Development Regulations 2001 to 2018. Further information should be sought to include details of any commencement of use of the retail units and schedule of the areas for each of the proposed residential units.

CONCLUSION**Further Information Required****8. ENVIRONMENTAL ASSESSMENT**

I note the provisions of sections 4(4), 4(4A) and 177U(9) of the Act which state,

Section 4(4),

Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Section 4(4A)

Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

- (a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and*
- (b) as respects which an environmental impact assessment or an appropriate assessment is required,*

to be exempted development.

Section 177U(9)

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.

8.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 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 **environmental impact assessment is not required**.

8.2 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.**

9. RECOMMENDATION


In view of the above and having regard to —

- Sections 2, 3, and 4 of the Planning and Development Act 2000 as amended, and
- Articles 5(2), 9 and 10 and Part 4 of Schedule 1 of the Planning and Development Regulations 2001 to 2018

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. Please submit a schedule of floor areas for all of the proposed residential units and a breakdown of the areas of each room within each unit, to enable the Planning Authority to assess the proposal further.
 - Please note that the proposed *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.*
2. Please confirm the use of the units prior to it becoming vacant.
 - Please note that to comply with Article 10 of the Planning and Development Regulations 2001 to 2018 the structure concerned must have been in use as a use specified in Class 1, 2, 3 or 6 of Part 4 of Schedule 1 of the Planning and Development Regulations 2001 to 2018 at the time the building became vacant.

Having regard to the wording of the Amendment of article 10, 6 (c) (ii), the applicant would need to clarify if *“the structure has at some time been uses for the purpose of its current use class”*. In order to avail of the exemption, the permitted use would have to have been commenced. Based on the details of the cover letter of the application, this is not fully clarified.


Gwen Jordan McGee
Senior Executive Planner
Development Management
Community, Culture and Placemaking

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

Fón/Tel: 021-4924564/4321

Líonra/Web: 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

Retail Units No's. 5, 6, 7, 8 and 9 at "The Plaza", City Square, Watercourse Road, Cork

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 of the Retail Units No's. 5, 6, 7, 8 and 9 at Ground Floor of "The Plaza", City Square, Watercourse Road, Cork from Commercial to Residential use development? And if so, is it exempted development in accordance with the provisions of the Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018)? The retail units to which this application relates to were completed in 2007. Upon completion of construction, these units have remained unoccupied to date. Therefore, they have been vacant for approximately 12 years. -----

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

The existing retail units are of adequate size to ensure that the proposed apartments will be in compliance with the minimum requirements of the 'Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities'. -----

Comhairle Cathrach Chorcaí
Cork City Council

27 MAY 2019

Strategic Planning & Economic
Development Directorate

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	Unit 5 (119.0 m ²), Unit 6 (77.3 m ²), Unit 7 (74.3 m ²), Unit 8 (71.3 m ²), Unit 9 (83.2 m ²).
(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)	Proposed / existing use (please circle)
Retail Use	Residential Use

4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):	LASCARA Limited	
Applicants Address	Unit 19, Charleville Town Centre, Charleville Co. Cork	
Person/Agent acting on behalf of the Applicant (if any):	Name:	Joe Sharkey
	Address:	OQCFPM – Unit 19, Charleville Town Centre, Charleville 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
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		

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

Signature: Joe Sharkey

Date: 17th of May 2019

.....

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:

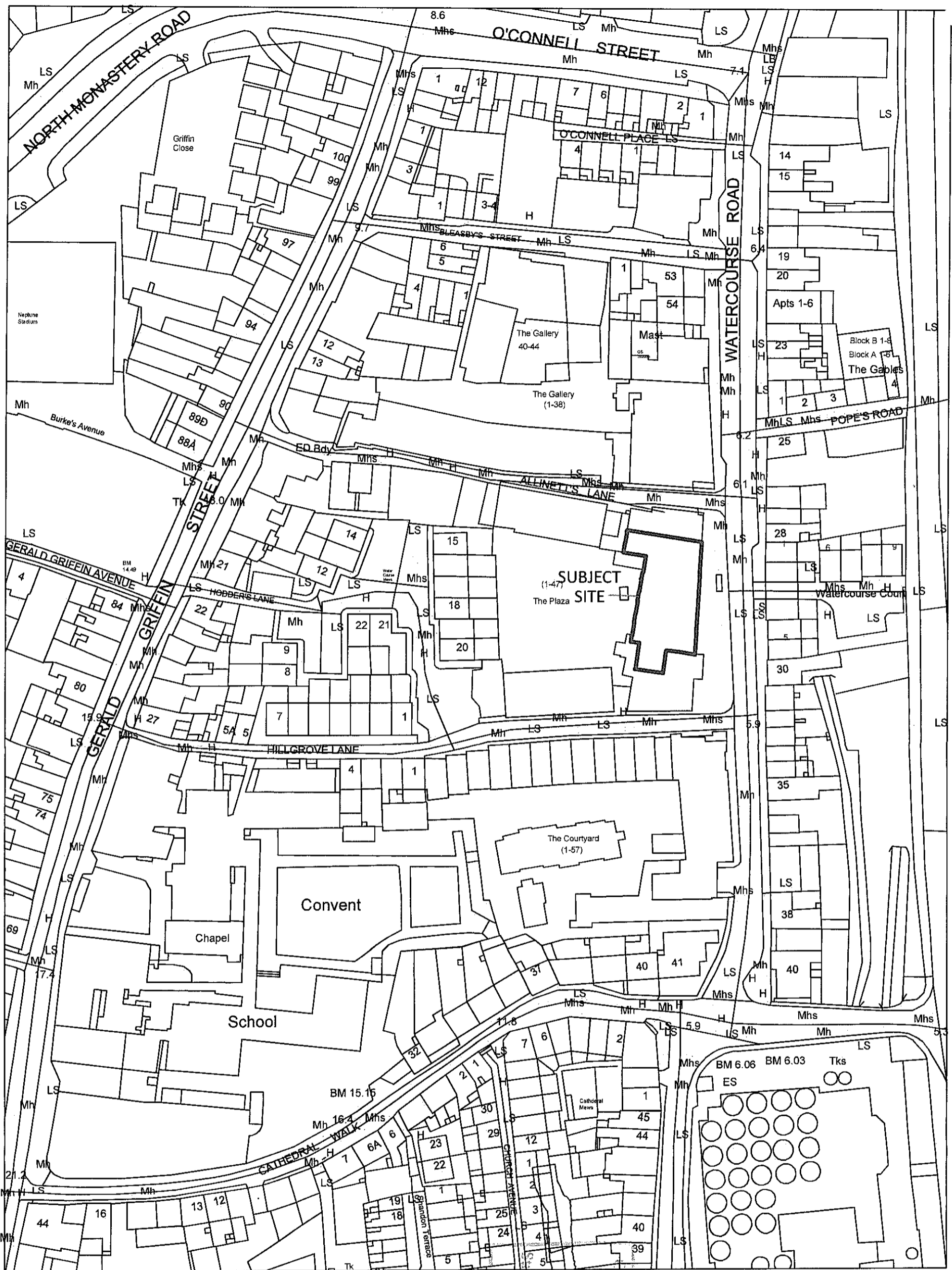
The Development Management Section, Strategic Planning & Economic
Development Directorate, Cork City Council, City Hall, Anglesea Street, Cork.

- 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.

DATA PROTECTION

The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution



Description: Digital Cartographic Model (DCM)
 Publisher / Source: Ordnance Survey Ireland (OSI)
 Data Source / Reference: PRIME2
 File Format: Autodesk AutoCAD (DWG_R2013)
 File Name: v_50061629_1.dwg
 Clip Extent / Area of Interest (AOI):
 LLX,LLY= 567171.4334,572643.9777. LRX,LRX= 567417.4334,572643.9777
 ULX,ULY= 567171.4334,572975.9777. URY,URY= 567417.4334,572975.9777
 Projection / Spatial Reference: Projection= IRENET95_Irish_Transverse_Mercator
 Centre Point Coordinates: X,Y= 567294.4334,572809.9777
 Reference Index: Map Series | Map Sheets 1:1,000 | 6382-05. Data Extraction Date: Date= 09-May-2019
 Source Data Release: DCLMS Release V1.116.105. Product Version: Version= 1.3
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 Fhionnuisce, Baile Átha Cliath 8, Éire. Sáraitonn atáirgeadh neamhúdairithe cóipcheart Shuirbhéireacht Ordánais Éireann agus
 Rialtas na hÉireann. Gach cead ar cosnamh. Ní ceadmhach aon chuid den fhóilseachán seo a chóipeáil, a atáirgeadh nó a
 tharchur in aon fhoirm ná ar aon bhealach gan cead i cribhinn roimh ré ó úinéirí an chóipchirt. Ní hionann bóthar, bealach nó
 cosán a bheith ar an léarscáil seo agus fianaise ar chead slí. Ní thaispeánann léarscáil de chuid Ordánais Shuirbhéireacht na
 hÉireann teorann phointí dleathúil de mhaoin riamh, ná úinéireacht de ghnéithe fhisiciúla.

Subject Site Outlined in Red

01 Site Location Map
 1981-01 Scale 1:1000 @ A3

1981-01	
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ISSUE	DATE
1	14.05.2019
DRN	CHK
NOTES	

Title	Site Location Map
Date	14.05.2019
Scale	Scale 1:1000
Client	LASCARA_LIMITED
Drawn by	Andrea Usai O'Carroll Fitzgerald Project & Commercial Management Ltd.
Drawing No.	1981-01
ISSUE	0

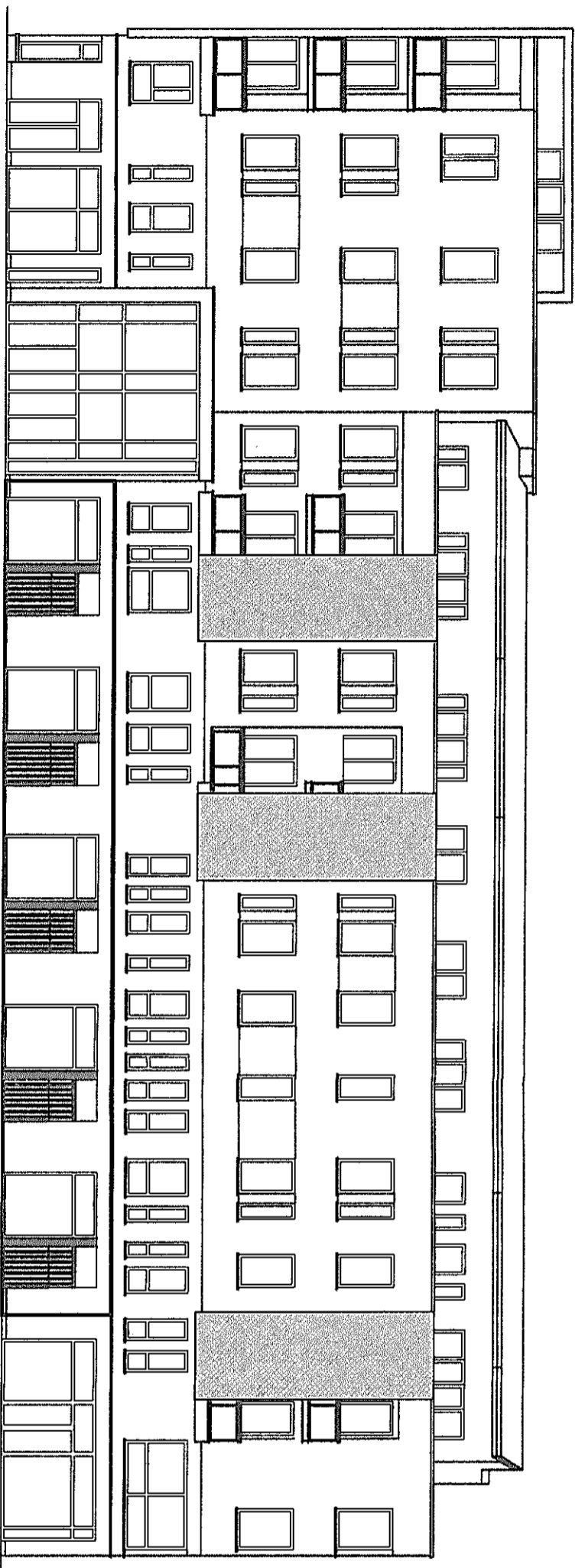
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 Unit 19, Charleville Town Centre
 Charleville, Co. Cork
 Tel 063 30917
 E-mail: info@ocfpm.com
 Web Site: www.OCFPM.com



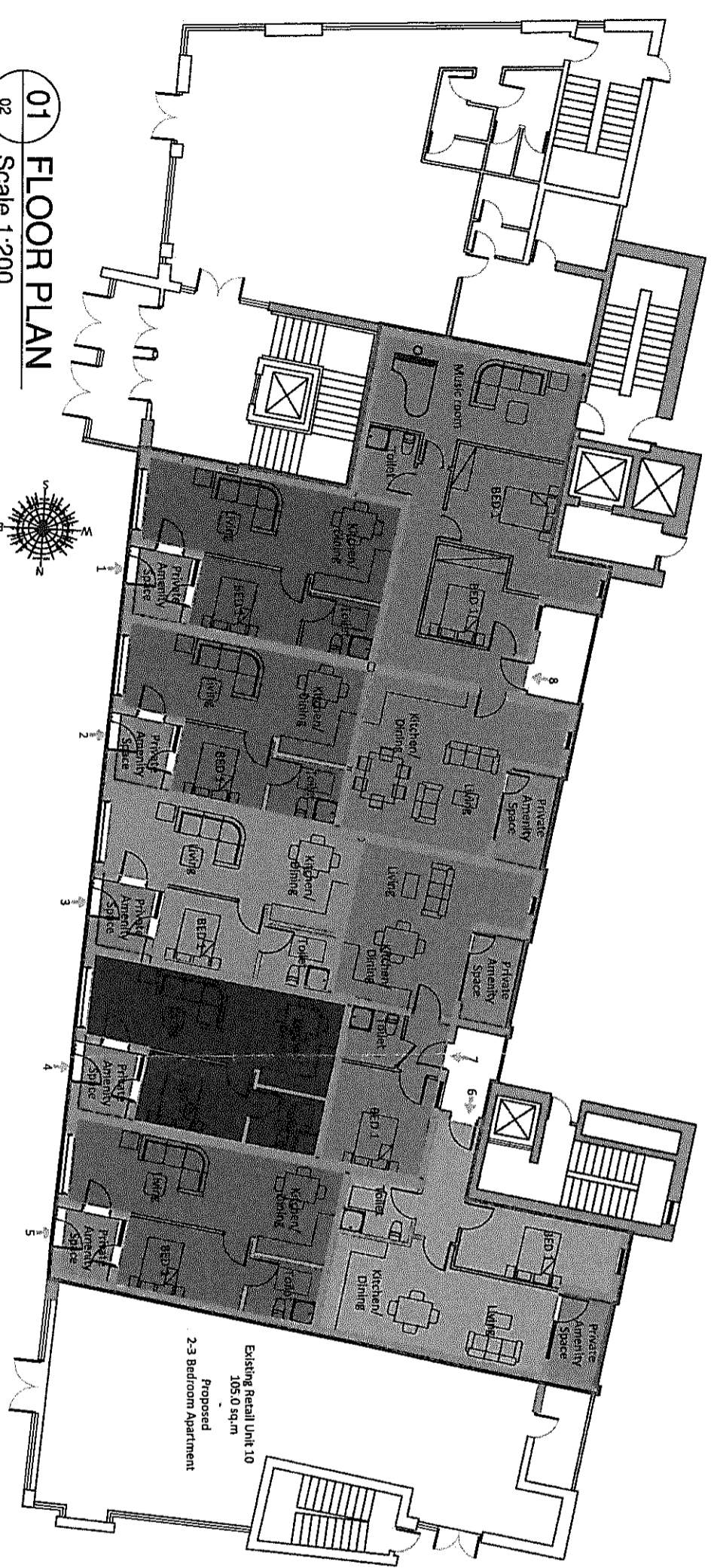
Project: **City Square**

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- Number of units proposed.**
- 4 x Studio apartments
 - 3 x 1 Bedroom apartments
 - 1 x 2 Bedroom apartment



02 Proposed Elevation
 Scale 1:200



01 FLOOR PLAN
 Scale 1:200

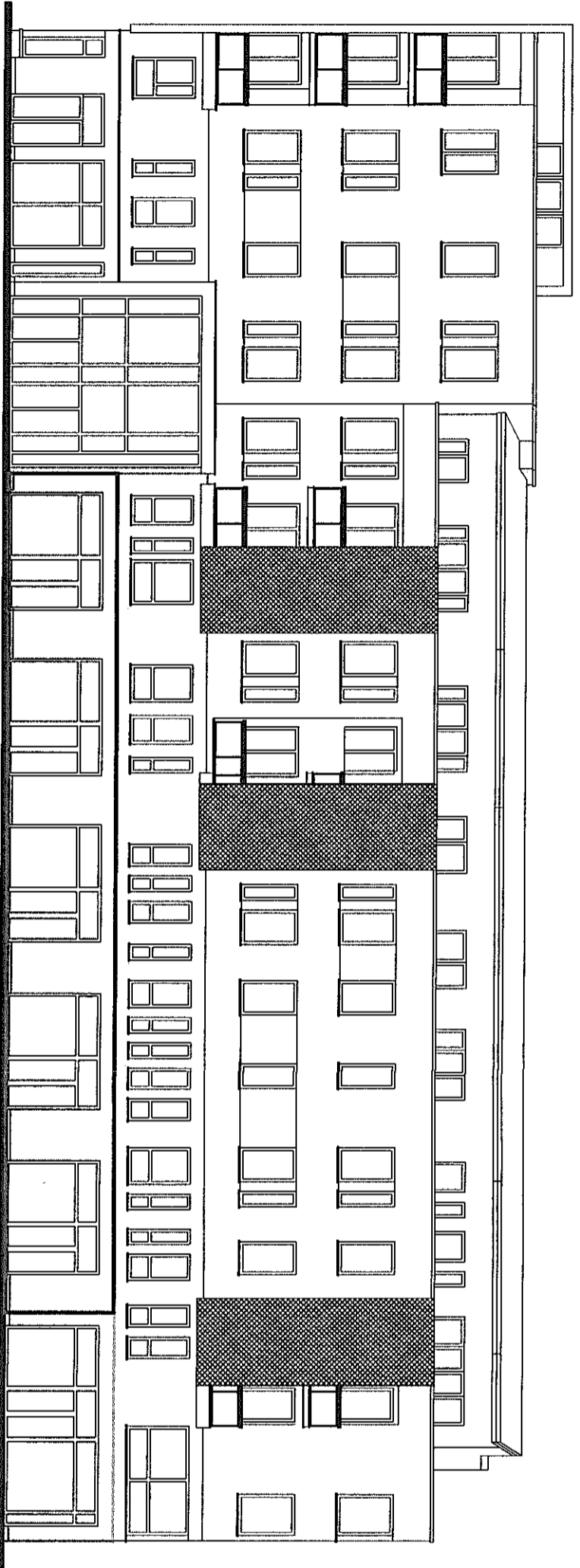
Comhairle Cathrach Chorcaí
 Cork City Council
 27 MAY 2019
 Strategic Planning & Economic
 Development Directorate

ISSUE	DATE	DRN	CHK	NOTES
00	17.05.19	PB	PD	Initial Issue

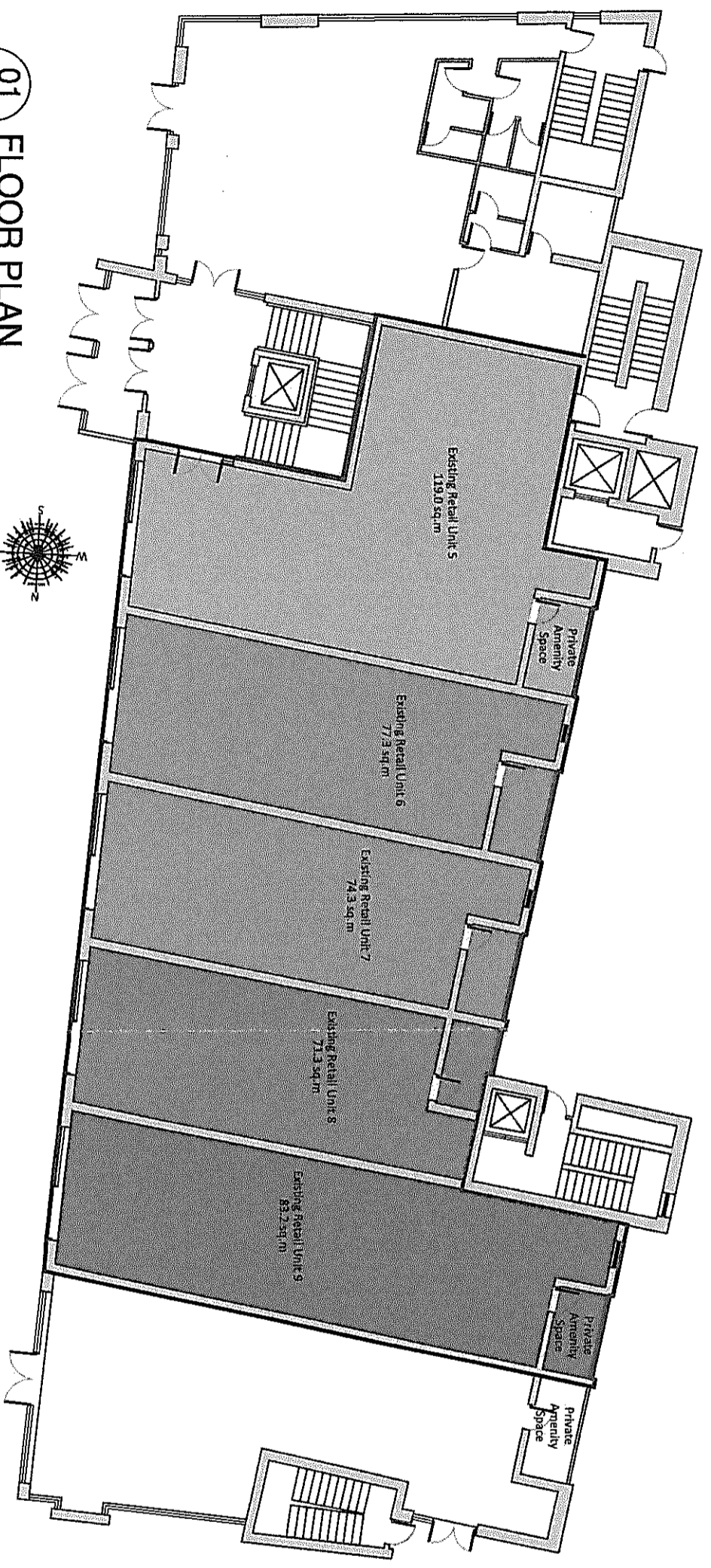
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 Tel 063 30917
 E-mail: info@ocfpm.com
 Web Site: www.ocfpm.com

Project:	City Square, Blackpool
Title:	Proposed Plans and elevations
Date:	17.05.2019
Scale:	1:200 @ A3
Client:	LASCARA_LIMITED
Drawn By:	JS O'Carroll Fitzgerald Project & Commercial Management Ltd.
Drawing No.:	DWG.No. 1981-02
Issue:	00

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02 Existing Elevation
 Scale 1:200



01 FLOOR PLAN
 Scale 1:200

Comairie Cathrach Chroim
 Cork City Council
 27 MAY 2019
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Project:
 City Square, Blackpool

Title:
 Existing Plans and elevations

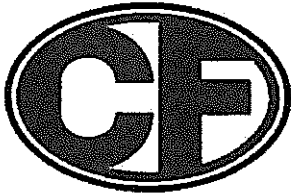
Date:
 17.05.2019

Scale:
 1:200 @ A3

Client:
 LASCARA_LIMITED

Drawn By: JS
 O'Carroll Fitzgerald
 Project & Commercial Management Ltd.

Drawing No.: DWG.No. 1981-03
Issue: 00



OCFPM

Dublin Office: Denshaw House, 120-121 Baggot Street Lower, Dublin. 00 353 (0)1 6599 447.
Cork Office: Unit 19 Charleville Town Centre, Charleville, Co. Cork. 00 353 (0)63 30917.
London Office: Central House, 1 Ballards Lane, Finchley, London N3 1LQ. 0044 (0)208 3498 177
Web: www.ocfpm.com E-mail: info@ocfpm.com .

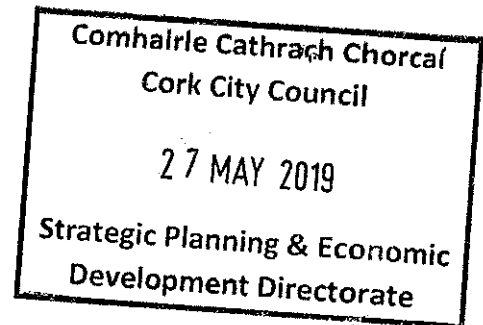
Cork City Council
Strategic Planning & Economic Development Directorate

17th May 2019

Applicants Name: LASCARA Limited

Correspondence address:

Joe Sharkey
OCFPM
Unit 19 Charleville Town Centre
Co Cork



Location of development: No.5 retail units at ground floor of "The Plaza", Watercourse Road, Blackpool, Cork City.

Re: Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018) - Providing an exemption, for a period of time, for the change of use, and related works, of vacant commercial premises for residential purposes. This application is to enquire whether or not the proposed development complies with S.I. No. 30 of 2018 and is considered exempt from planning.

Our proposal is in relation to the 5 No. retail unit to be change to 8 residential units, as shown outlined in the plans attached would comply with the S.I No 30 a, located at ground floor of "The Plaza", a mixed-use block located in Watercourse Road, Blackpool, Cork City.

We propose the change of use of these properties from Commercial to Residential use.

The subject units were built in 2007. Upon completion of construction they have been fitted out to accommodate a gym / dance studio but have not been occupied as such and have remained unoccupied for a period of approximately 12 years. The development is zoned as a "Neighbourhood Centre" with a mix of retail and residential units. The subject retail units do not seem to have significant interest due to their location; Blackpool currently has a more than adequate supply of retail units, with retailers preferring the main Shopping Centre located in Commons Road, about 750m north of the subject development.

The existing retail units are of adequate size and the proposed apartments will be in compliance with the minimum requirements of the 'Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities'. The proposed apartments will be of adequate size and will allow for the provision of sustainable housing.


I believe that the proposed changes of use will bring a new lease of life to the area and will promote social and economic regeneration.

Documentation attached:

- Section 5 Declaration Application Form;
- 2 No. copies of Drawing No. 1981-01 "Site Location Map";
- 2 No, Copies of Proposed Plans and elevations.
- 2 No. Copies of Drawing No. 1981-02 "Existing East Elevation & Ground Floor",
- Required Fee of €80.

If you have any queries, please do not hesitate to contact me.
Please acknowledge receipt of this application.

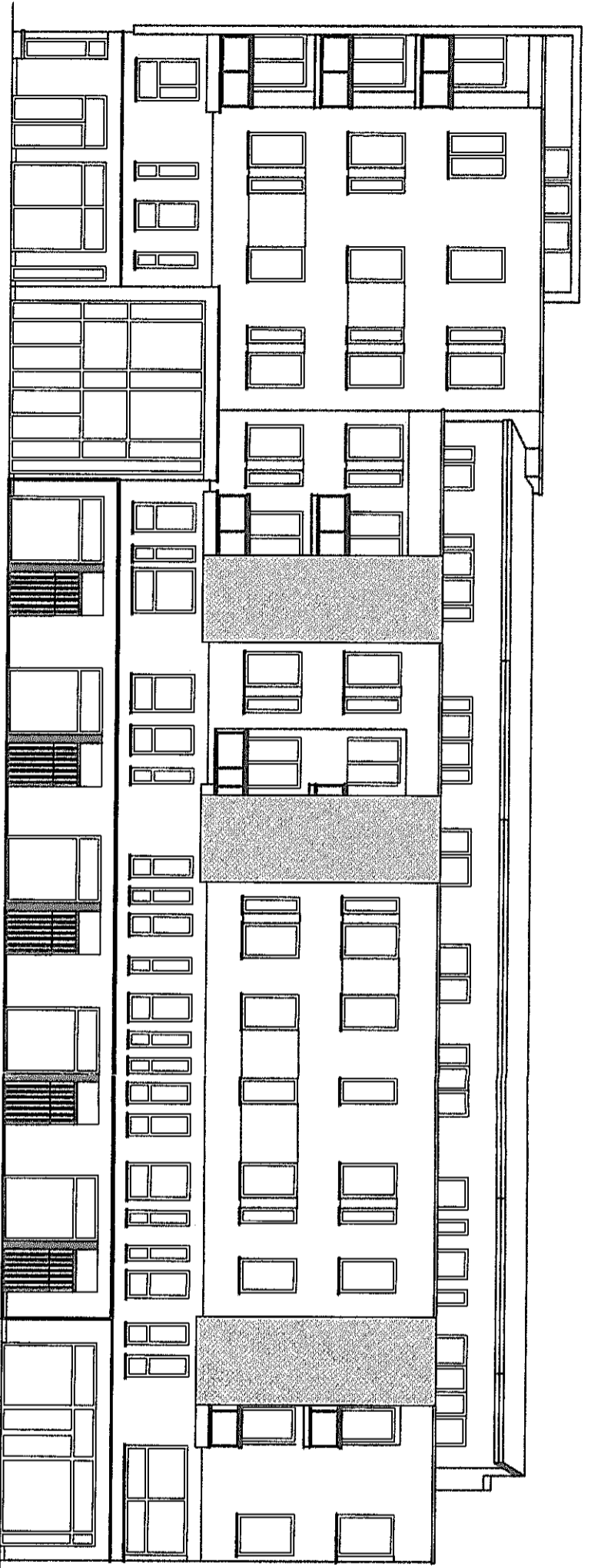
Yours sincerely,



Joe Sharkey

Phone: +353 (0) 89 252 1819

jsharkey@ocfpm.com



02 Proposed Elevation
Scale 1:200



01 FLOOR PLAN
Scale 1:200

1981-02

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- Number of units proposed.**
- 4 x Studio apartments
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 - 1 x 2 Bedroom apartment

Comairde Cathrach Chiarúf
Cork City Council

27 MAY 2019

Strategic Planning & Economic
Development Directorate

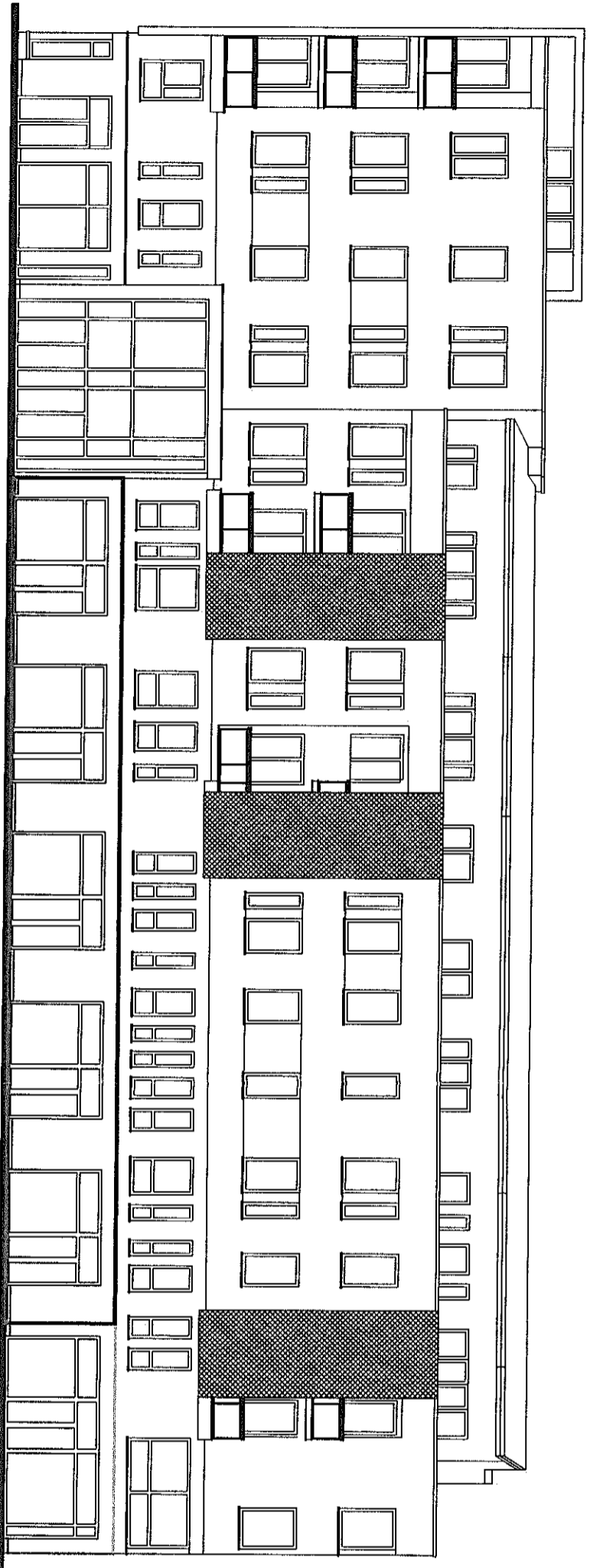
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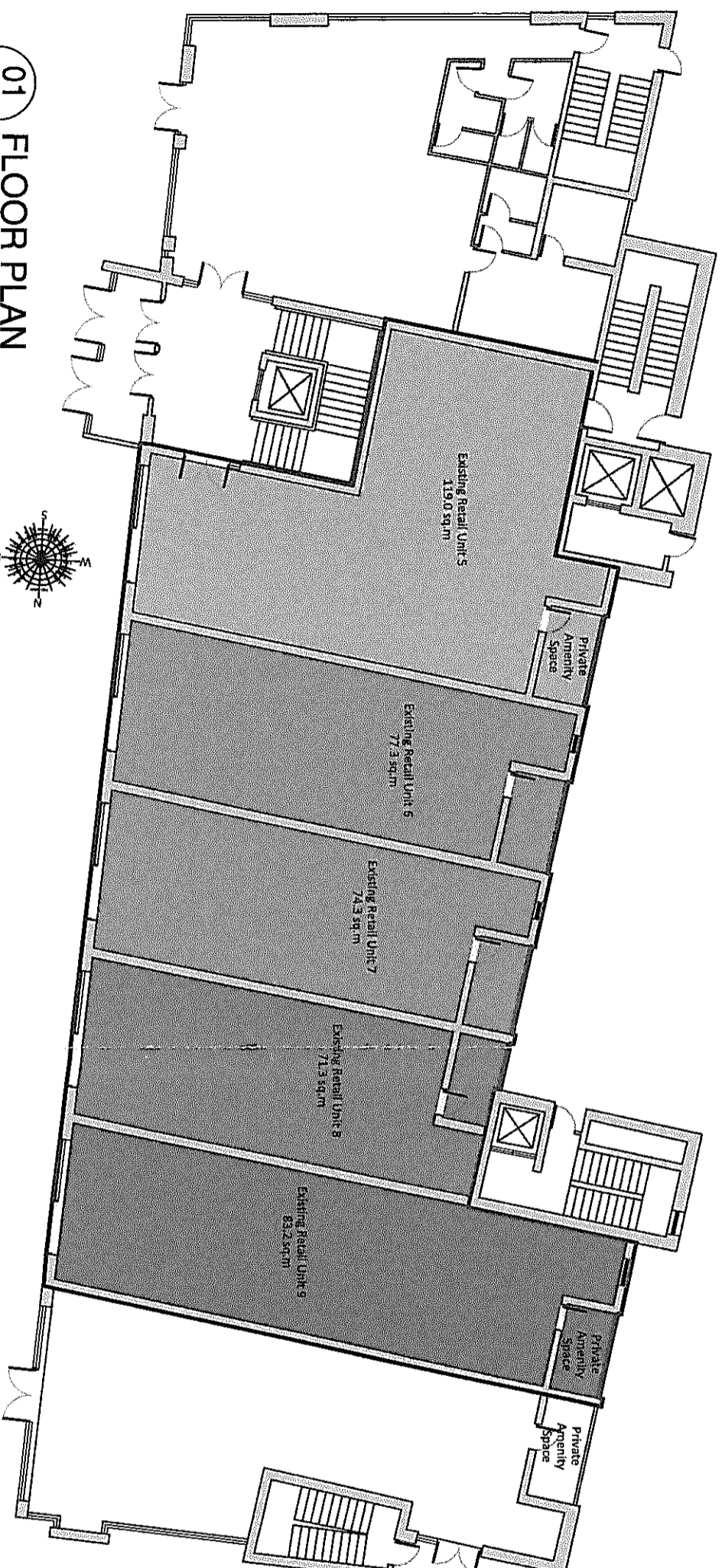
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Scale:	1:200 @ A3
Client:	LASCARA LIMITED
Drawn By:	JS O'Carroll Fitzgerald Project & Commercial Management Ltd.
Drawing No.:	DWG.No. 1981-02
Issue:	00

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02 Existing Elevation
03 Scale 1:200



01 FLOOR PLAN
03 Scale 1:200

Comhairle Cathnói Chionn
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27 MAY 2019
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Date: 17.05.2019
Scale: 1:200 @ A3

Client: LASCARA_LIMITED
Drawn By: JS
O'Carroll Fitzgerald
Project & Commercial Management Ltd.

Drawing No.: DWG.No. 1981-03
Issue: 00