



# Comhairle Cathrach Chorcaí Cork City Council

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

Jan Oosterhof  
c/o Cunnane Stratton Reynolds  
Unit 3  
Copley Hall  
Cotters Street  
Cork



06<sup>th</sup> January 2021

**RE: R622/20 – Section 5 Declaration**  
**Property: Anchor Unit (formally occupied at Debenhams) at Mahon point Shopping centre**

Dear Sir/Madam,

With reference to your request for a section 5 Declaration at the above named property, I am advise and having regard to:

- Section 2, 3, and 4 (1)(h) of the Planning and Development Act 2000, as amended,

The Planning Authority has concluded that –

- The proposal comes within the scope of the definition of ‘development’ as defined in Section 3 of the Planning and Development Act, 2000 as amended
- The proposal involves the internal subdivision of the anchor unit formerly occupied by Debenhams into 2 no. retail units
- The proposal affects only the interior of the structure and does not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structure.
- No new or material planning impacts will arise as a consequence of the proposal
- The proposal therefore comes within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended.

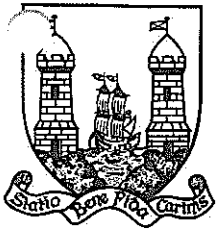
And therefore, the Planning Authority considers that –

- The subdivision of the anchor unit formerly occupied by Debenhams at Mahon Point Shopping Centre **is development** and **is exempted development**.

Kerry Bergin  
Assistant Staff Officer  
Community, Culture and Placemaking  
Cork City Council



**We are Cork.**



# Comhairle Cathrach Chorcaí Cork City Council

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

Jan Oosterhof  
c/o Cunnane Stratton Reynolds  
Unit 3  
Copley Hall  
Cotters Street  
Cork

06<sup>th</sup> January, 2020

**RE: R622/20 – Section 5 Declaration**

**Property: Anchor Unit (formally occupied by Debenhams) at Mahon Point Shopping Centre**

Dear Sir/Madam,

With reference to your request for a section 5 Declaration at the above named property, I wish to advise and having regard to -

- Section 2, 3, and 4 (1)(h) of the Planning and Development Act 2000, as amended,

The Planning Authority has concluded that –

- The proposal comes within the scope of the definition of ‘development’ as defined in Section 3 of the Planning and Development Act, 2000 as amended
- The proposal involves the internal subdivision of the anchor unit formerly occupied by Debenhams into 2 no. retail units
- The proposal affects only the interior of the structure and does not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structure.
- No new or material planning impacts will arise as a consequence of the proposal
- The proposal therefore comes within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended.

And therefore, the Planning Authority considers that –

- The subdivision of the anchor unit formerly occupied by Debenhams at Mahon Point Shopping Centre **is development** and **is exempted development**.

Yours faithfully,

Assistant Staff Officer  
Community, Culture and Placemaking  
Cork City Council



**We are Cork.**

**SECTION 5 DECLARATION – PLANNER’S REPORT**

**File Reference:** R 622/20

**Description:** Whether the sub-division of the anchor unit formerly occupied by Debenhams at Mahon Point Shopping Centre into two no. retail units is or is not exempted development.

**Applicant:** Die Ireland ICAVc/o Deka Immobilien c/o Cunnane Stratton Reynolds

**Location:** Anchor Unit (formerly occupied by Debenhams) at Mahon Point Shopping Centre

**Date:** 10/12/20

**SUMMARY OF RECOMMENDATION**

**Constitutes development; is exempted development**

**Interpretation**

In this report the ‘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.

**Purpose of Report**

Under Section 5 of the Planning and Development Act, 2000 (as amended), if any question arises as to what, in any particular case, is or is not development and is or is not exempted development within the meaning of the 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 Questions before the Planning Authority**

The Question to the Planning Authority is,

*‘Whether the sub-division of the anchor unit formerly occupied by Debenhams at Mahon Point Shopping Centre into two no. retail units is or is not exempted development.’*

In my opinion the intention of the request is clear.

**Site Description**

The subject property comprises the Anchor Unit at the north western end of the Shopping Centre, which was formerly occupied by Debenhams department store, and is located over two no. floors. The permitted and established use of the unit is as a shop.

## Description of Development

The proposed development comprises the sub-division of the first and second floor of the existing unit through internal separation works, including the removal of the existing escalator connecting both floors. It is noted that no additional accesses are proposed, and all works are internal in nature.

## Planning History

The shopping centre has an extensive planning history, however the following are of note:

**TP 99/23033 / PL 28.124788:** Permission was granted by An Bord Pleanála following a third party appeal against Cork City Council's decision to grant permission for a large scale mixed use development including a shopping centre and cinema complex, two areas of surface car parking comprising a park and Ride facility of 200 spaces and an overflow car park of 442 spaces, 6 no. retail park units, 5 no. high tech industrial park units, 4 no. high-tech business units, and all associated site development works. Permission was granted subject to 30 no. conditions of which Condition no. 5 is relevant and is set out as follows;

*Prior to commencement of development details, in relation to Zone B – Shopping Centre/Cineplex, to show compliance with the following requirements shall be submitted to the planning authority for written agreement:-*

- a) total gross retail area (convenience and comparison goods) which shall not exceed 22,119 square metres,*
- b) general space allocation within the shopping centre,*
- c) total gross retail area (comparison goods) which shall not exceed 16,922 square metres,*
- d) total gross retail area of Anchor Store number 1 which shall not exceed 6,970 square metres,*
- e) sub-division of Anchor Store number 2 into smaller retail units,*
- f) total gross area of the superstore (foodstore) which shall not exceed 5,197 square metres, with a net retail area of 2,786 square metres,*
- g) gross floor space of the food court which shall not exceed 2,482 square metres, and*
- h) gross floor space of banking area which shall not exceed 732 square metres.*

**R480/18:** Section 5 declaration issued in relation to unit 33-36 at Mahon Point Shopping Centre, stating that the subdivision of 3 no. units to form 5 no. units at Mahon Point is development and is exempted development.

The following An Bord Pleanála precedent cases are also noted:

ABP RL.2308

ABP RL.3420

## Relevant Legislation

### 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(1) (h)

(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 exempt 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.

#### **Planning and Development Regulations, 2001 as amended**

##### **Article 6 (1)**

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

##### **Article 5 (1)**

In this Part—

‘shop’ means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public —

- a) for the retail sale of goods,
- b) as a post office,
- c) for the sale of tickets or as a travel agency, Commented [i27]: Inserted by article 3(1) of S.I. No. 46 of 2020 – Planning and Development (Amendment) Regulations 2020. Commented [IT28]: small cell an Inserted by article 3 of S.I. No. 582/2015 – Planning and Development (Amendment)(No. 4) Regulations 2015 Commented [i29]: Inserted by article 3 of S.I. No. 235/2008 – Planning and Development Regulations 2008 24
- d) for the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and “wine” is defined as any intoxicating liquor which may be sold under a wine retailer's off-licence (within the meaning of the Finance (1909-1910) Act, 1910), 10 Edw. 7. & 1 Geo. 5, c.8,
- e) for hairdressing,

- f) for the display of goods for sale,
- g) for the hiring out of domestic or personal goods or articles,
- h) as a launderette or dry cleaners,
- i) for the reception of goods to be washed, cleaned or repaired,

but does not include any use associated with the provision of funeral services or as a funeral home, or as a hotel, a restaurant or a public house, or for the sale of hot food or intoxicating liquor for consumption off the premises except under paragraph (d), or any use to which class 2 or 3 of Part 4 of Schedule 2 applies;

#### Article 9 (1)

1. Development to which article 6 relates shall not be exempted development for the purposes of the Act—
  - a) if the carrying out of such development would—
    - i. Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
    - ii. Consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width
    - iii. Endanger public safety by reason of traffic hazard or obstruction of road users,
    - iv. Except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
    - v. Consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies
    - vi. Interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
    - vii. Consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is

proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

- A consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended
  - B comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,
  - C consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.
- viii. Consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,
- ix. Consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan in the draft variation of the development plan or the draft development plan,
- x. Consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,
- xi. Obstruct any public right of way
- xii. Further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,



### **Sub-threshold EIS**

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No3) Regulations 2011) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly it is considered that an EIS is not required to be submitted.

### **Appropriate Assessment**

The relevant European sites are the Cork Harbour SPA (Site Code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to its nature, scale and location it is considered that the proposed development would not affect the integrity of the sites referred to. Accordingly it is considered that a Natura impact statement for the purposes of Article 6 of the Habitats Directive is not required to be submitted.

### **Assessment**

#### **Is it 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 'works', which is defined in Section 2(1) of the Act as including 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'.

I note the existing use of the unit is as a shop and the proposed use of the two no. units is as a shop. While comparison retail was previously permitted within the anchor unit, as set out in the report accompanying the Section 5 declaration, a convenience retailer may occupy one of the units that would be formed by the subdivision. It is noted that no demarcation between convenience/comparison use is set out within the definition of a Shop in the Regulations, and therefore, no material change of use is occurring as a result of the proposed works.

As the proposal comprises 'works', it is clearly therefore 'development' within the meaning of the Act.

#### **Conclusion: Is development**

#### **Is it 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. Section 4(3) of the Act states that exempted development wither means development specified in Section 4(1) or development which is exempted development having regard to any regulations under Section 4(2).

The proposed works comprise the carrying out of internal works within the anchor unit formerly occupied by Debenhams, and includes the removal of existing escalator connecting both floors. I note that the existing

external dimensions of the units are to remain the same, and that the subdivision works are being carried out within the envelope of the existing units.

I also note the relevant An Bord Pleanála precedent cases presented above, including where in the context of the definition of the term 'structure' and its use in section 4(1)(h) of the Act the 'structure' is considered to be the 'planning unit' of an individual shop unit within a shopping centre. I also note the case where the Board determined that the subdivision of a unit was exempted development under Section 4(1)(h) (RL.3420).

In addition, and having regard to An Bord Pleanála Reference RL2308, it was determined that where the subdivision of a retail unit takes place inside a shopping mall, as is the case in this declaration, customers would have already parked their cars within the dedicated shopping centre car park and would either happen on an additional shopping unit by chance or already be aware of its existence and this basis, no material parking issues would arise in terms of intensification of use.

It is noted that the no additional retail floor space is proposed as part of the subdivision, and in this regard, it is not considered that any new or material planning impacts would arise as a result of the proposed development. Having regard to the intention to potentially provide convenience retail within one of the proposed units, it is noted that there is no condition attached to the planning permission for the shopping centre which limits the quantum of convenience retail within the shopping centre, nor is there a condition prohibiting the subdivision of existing units, without the requirement to attain planning permission for same.

Having regard to the interpretations and decisions of An Bord Pleanála set out in precedent cases above, I consider that the proposed works as set out in the question and accompanying documentation submitted, is exempted development under Section 4(1)(h) of the Act.

### **Recommendation**

In view of the above, and having regard to-

- Section 2, 3, and 4 (1)(h) of the Planning and Development Act 2000, as amended,

The Planning Authority has concluded that –

- The proposal comes within the scope of the definition of 'development' as defined in Section 3 of the Planning and Development Act, 2000 as amended
- The proposal involves the internal subdivision of the anchor unit formerly occupied by Debenhams into 2 no. retail units

- The proposal affects only the interior of the structure and does not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structure.
- No new or material planning impacts will arise as a consequence of the proposal
- The proposal therefore comes within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended.

And therefore, the Planning Authority considers that –

- The subdivision of the anchor unit formerly occupied by Debenhams at Mahon Point Shopping Centre is development and is exempted development.

ppSinéad Kearney

Sinéad Kearney  
Assistant Planner

J. J. J.  
SEP  
15/12/2020

Application type	<b>SECTION 5 DECLARATION</b>
Question	<i>Whether the subdivision of three units to form five units at units 33-36 Mahon Point Shopping Centre is development or is exempted development.</i>
Location	Unit 33-36, Mahon Point Shopping Centre
Applicant	Deka Immobilien Gmbh (owners) c/o Cunnane Stratton Reynolds (agent)
Date	15/12/2020
Recommendation	<b><i>Is development and is exempted development</i></b>

#### 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,

*"Whether the subdivision three no. units (namely Carraig Dunn, Pamela Scott and Trespass) to form five no. units is or is not exempted development at Units 33-36 Mahon Point Shopping Centre, Mahon, Cork?"*

In my opinion the intention of the request is clear.

#### 3. SITE DESCRIPTION

The subject property comprises three units on the first (upper) floor of the Mahon Point Shopping Centre. The permitted and established use of these units are all as a shop.

#### 4. DESCRIPTION OF THE DEVELOPMENT

The proposed development comprises changing 3 existing shop units within the shopping centre into 5 units.

#### 5. RELEVANT PLANNING HISTORY

The shopping centre has an extensive planning history however the following are of note:

TP 99/23033 / PL 28.124788, “parent permission” for shopping centre.

TP 16/3714, permission granted for the reconfiguration and amalgamation of units 33-36 including the provision of a mezzanine level, Mahon Point Shopping Centre.

R 414/16, section 5 declaration issued in relation to H&M, Unit 7, Opera Lane, Cork stating *inter alia* that the amalgamation of units through the removal of internal walls (etc) is exempted development.

The following An Bord Pleanála precedent cases are also noted:

RL.3578

RL.3420

RL.3056

## 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(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 Planning and Development Regulations, 2001 as amended**

**Article 5(2)**

*In Schedule 2, unless the context otherwise requires, any reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground level, and for that purpose “ground level” means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situated or is to be situated is not uniform, the level of the lowest part of the ground adjacent to it.*

**Article 9**

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

**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 ‘works’, which is defined in section 3(1) of the Act as including ‘any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal’. As the proposal comprises ‘works’, 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).

I consider that the proposal comes within **subsections (1) of section 4**, and not subsection (2) – i.e. the Regulations.

#### **Section 4(1)**

In my opinion this proposal comes within the scope of section 4(1), particularly subsection (h), as the works relate to internal alterations works. The substantive issues of the case are set out below.

The proposed works comprise the following:

**Existing unit 33** Existing partition wall between unit 33 and unit 34/35 to mostly remain, with the exception of a small area (c 2.2m wide by c 8m long) being allocated to the adjoining unit (proposed unit Vila). Internal works including new partition walls proposed to form unit **Carraig Dunn**.

**Existing unit 34/35** As above, existing partition wall between unit 34/35 and unit 33 to mostly remain with the exception of a small area (c 2.2m wide by c 8m long) of the adjoining unit (proposed unit Carraig Dunn) being allocated to proposed unit Vila. Existing partition wall between units 34/35 and unit 36 to remain. Internal works including new partition walls proposed to form proposed units **Vila and Jack & Jones**.

**Existing unit 36** Existing partition wall between unit 36 and adjoining unit 34/35 to remain. Internal works including particular walls proposed to form proposed units **Trespas and Name It**.

Essentially this proposal involves the subdivision of unit 34/35 into two units and the subdivision of unit 36 into two units. Also proposed is the allocation of a small portion of unit 33 to a new unit within the current envelope of unit 34/35, however I consider this to be *de minimis*.

I note the relevant An Bord Pleanála precedent cases presented above, including where in the context of the definition of the term “structure” and its use in section 4(1)(h) of the Act the “structure” is considered to be the ‘planning unit’ of an individual shop unit within a shopping centre. I also note the case where the Board determined that the subdivision of a unit was exempted development under section 4(1)(h) (RL.3420).

I note that the existing “external” dimensions of the units (i.e. facing the internal upper-level circulation mall within the shopping centre) are to remain, with the subdivision works being carried out within the envelopes of these dimensions (apart from the *de minimis* exception referred to above).

I note the existing and proposed uses and I do not consider that any material change of use arises.

I note the nature and scale of the existing units, the proposed units and the overall shopping centre itself, and I do not consider that in this case any material or new planning impacts would arise.

Essentially this issue involves the internal subdivision of unit 34/35 into two units and unit 36 into two units, with other internal alterations. It also involves internal alterations to unit 33. It also involves the “ceding” of part of unit 33 to unit 34/35, however as set out above I consider this to be *de minimis* having regard to the relatively minor scale and scope of these works within the context of the proposal at hand and the existing shopping centre itself. Having regard to the interpretations and decisions of An Bord Pleanála set out in the precedent cases above, I consider that the proposed works as set out in the question accompanying documentation submitted, is exempted development under section 4(1)(h) of the Act.

#### **Section 4(2)**

I do not consider that the proposal comes within the scope of section 4(2) of the Act.

#### **Restrictions on exemption**

I do not consider that any apply in this instance.

### **CONCLUSION**

**Is exempted development**

#### **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(1)(h) of the Planning and Development Act 2000 as amended,

the planning authority has concluded that —

- the proposal comes within the scope of the definition of ‘development’ as defined in section 3 of the Planning and Development Act, 2000 as amended,
- the proposal involves the internal subdivision of unit 34/35 into two units and internal subdivision of unit 36 into two units with other internal alterations,
- the proposal involves minor rearranging of the partition between unit 33 and unit 34/35, however this is considered to be *de minimis*,
- the proposal affects only the interior of a structure and does 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,
- no new or material planning impacts will arise as a consequence of the proposal, and
- the proposal therefore comes within the scope of section 4(1)(h) of the Planning and Development Act 2000, as amended,

and therefore the planning authority considers that —

the subdivision of three units to form five units at units 33-36 Mahon Point Shopping Centre **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.

KEVIN O’CONNOR  
SENIOR PLANNER

**COMHAIRLE CATHRACH CHORCAÍ  
CORK CITY COUNCIL**

Community, Culture & Placemaking Directorate,  
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail [planning@corkcity.ie](mailto:planning@corkcity.ie)  
Fón/Tel: 021-4924762  
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**

Anchor Unit (formerly occupied by Debenhams) at Mahon Point Shopping Centre 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.*

Whether the subdivision of the anchor unit formerly occupied by Debenhams at Mahon Point Shopping Centre into two no. retail units is or is not exempted development.

Comhairle Cathrach Chorcaí  
Cork City Council  
25 NOV 2020  
Strategic Planning & Economic  
Development Directorate

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

*(Use additional sheets if required).*

Please refer to the accompanying section 5 supporting statement prepared by Cunnane Stratton Reynolds for further details.

## CONTACT DETAILS

### 10. Applicant:

<b>Name(s)</b>	Die Ireland ICAV c/o Deka Immobilien
<b>Address</b>	c/o Cunnane Stratton Reynolds, Unit 3, Copley Hall, Cotters Street, Cork. ----- ----- -----

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

<b>Name(s):</b>	Jan Oosterhof for Cunnane Stratton Reynolds		
<b>Address:</b>	Unit 3, Copley Hall, Cotters Street, Cork. ----- ----- -----		
<b>Telephone:</b>	[REDACTED]		
<b>E-mail address:</b>	[REDACTED]		
<b>Should all correspondence be sent to the above address?</b> <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"/>

### 12. ADDITIONAL CONTACT DETAILS

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

#### ADVISORY NOTES:

<p>The application must be accompanied by the required fee of €80</p> <p>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.</p> <p>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.</p> <p><i>The application should be sent to the following address:</i></p> <p style="text-align: center;"><b>The Development Management Section, Community, Culture &amp; Placemaking Directorate, Cork City Council, City Hall, Anglesea Street, Cork.</b></p>
--

CUNNANE STRATTON REYNOLDS

CSR Ref: 20435/JO/251120 Rev A

Cork City Council  
Community, Culture and Placemaking  
City Hall  
Anglesea Street  
Cork

By Hand

25<sup>th</sup> November 2020

Re: **Section 5 Reference with respect to Mahon Point Shopping Centre**

Question: **Whether the subdivision of the anchor unit formerly occupied by Debenhams at Mahon Point Shopping Centre into two no. retail units is or is not exempted development.**

Dear Sir/ Madam,

Please find enclosed an application under section 5 of the Planning and Development Act 2000 (as amended) to subdivide the anchor unit formerly occupied by Debenhams into two no. retail units at Mahon Point Shopping Centre, Cork.

This section 5 reference is accompanied by 2 no. copies of the following documents and drawings:

- Cover Letter
- Section 5 Application Form
- Section 5 Supporting Statement by Cunnane Stratton Reynolds
- Drawings by Savills

We trust that sufficient information has been provided with this request for a declaration. However if anything further is required, please do not hesitate to contact us.

Yours sincerely



**Jan Oosterhof** BSocSc MPlan  
Executive Planner

**CUNNANE STRATTON REYNOLDS**  
**LAND PLANNING & DESIGN**  
Dublin, Cork & Galway  
[www.csrandplan.ie](http://www.csrandplan.ie)

CORK OFFICE  
COPLEY HALL, COTTERS STREET, CORK  
TEL: 021 496 9224 FAX: 021 496 9012  
EMAIL: [corkinfo@csrandplan.ie](mailto:corkinfo@csrandplan.ie)

OFFICES ALSO AT:  
3 MOLESWORTH PLACE, DUBLIN 2  
TEL: 01 661 0419 FAX: 01 661 0431  
EMAIL: [info@csrandplan.ie](mailto:info@csrandplan.ie)

**DIRECTORS**

Joe Cunnane BA (Hons) Dip TP MRTPI MIPI: Eamonn Prenter BA (Hons) Dip TP MSc MRTPI MIPI:  
Declan O'Leary BAg Sc (Land-Hort) Dip LA MILI MLI: Jim Kelly BAg Sc (Landscape-Hort) Dip LA MILI CMLI:  
Keith Mitchell MA (Hons) LA Dip EIA Dip Arb MILI CMLI:

COPLEY HALL, COTTERS STREET, CORK  
TEL: 021 496 9224 FAX: 021 496 9012  
EMAIL: [corkinfo@csrandplan.ie](mailto:corkinfo@csrandplan.ie)  
**WWW.CSRANDPLAN.IE**

25 NOV 2020

**Section 5 Supporting Statement**

**Subdivision of Anchor Unit at Mahon Point Shopping Centre, Mahon, Cork**



**CUNNANE STRATTON REYNOLDS**  
LAND PLANNING & DESIGN

Date: November 2020

*Planning Report*  
by  
*Cunnane Stratton Reynolds*

## 1 Introduction

Cunnane Stratton Reynolds have been appointed by DIE Ireland ICAV to prepare this supporting statement in support of an application under section 5 of the Planning and Development Act 2000 (as amended) to subdivide the anchor unit formerly occupied by Debenhams into two no. retail units at Mahon Point Shopping Centre, Cork.

This report examines the proposed subdivision in the context of the relevant planning policies and guidance. This planning report is structured as follows:

- Section 1 – Introduction
- Section 2 – Site Location and Context
- Section 3 – Planning Policy Context
- Section 4 – Section 5 Question
- Section 5 – Subdivision
- Section 6 – Conclusion

## 2 Site Location and Context

The site is located within the Mahon Point Shopping Centre, Mahon, Cork as shown in Figure 1 below. Mahon is the largest neighbourhood in the South East suburbs of Cork City with significant population, employment and economic activity. There has been substantial development in the Mahon area since the shopping centre was developed including large modern office blocks and residential developments.

Mahon Point is a successful district shopping centre that includes a range of uses including convenience and comparison retail units, a food court and a multiplex cinema. The shopping centre and nearby Mahon Retail Park serve a wide regional catchment.

There are a number of bus routes serving the Mahon area including the 202, 215 and 219. Bus route no. 202 directly serves the shopping centre. The Cork Metropolitan Area Transport Plan (CMATS) proposes a light rail system from Ballincollig to Mahon which will result in a significant uplift in homes and jobs in the Mahon area.

The Debenhams unit in Mahon Point is located at the eastern end of the shopping centre and occupies two no. floors. Debenhams went into liquidation in April this year and this unit has been vacant since. This Section 5 seeks the subdivision of this retail unit to form two separate units that can be occupied by different tenants, one at ground floor level and one at first floor level.

- *No new or material planning impacts will arise as a consequence of the proposal, and*
- *The proposal therefore comes within the scope of section 4(1)(h) of the Planning and Development Act 2000, as amended.'*

We submit that the key planning considerations for the current proposal to subdivide the anchor unit into two units are the same as those assessed by Cork City Council under the R480/18.

### 3 Planning Policy Context

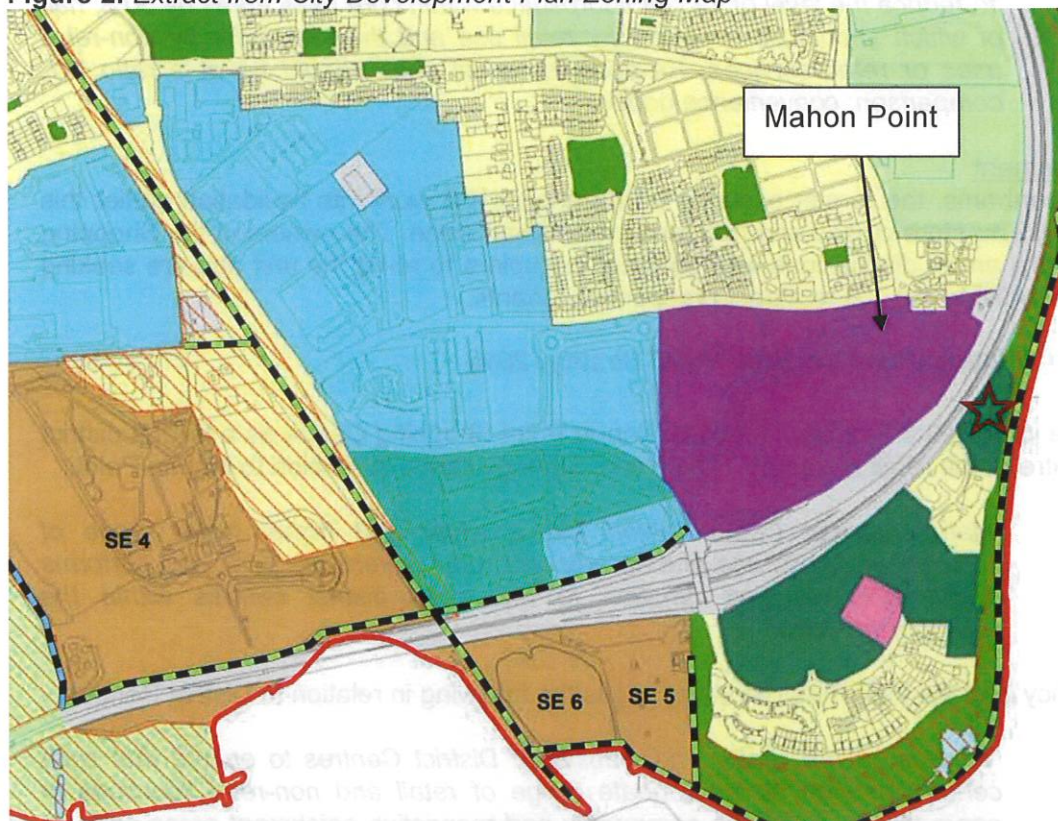
The site is located in an area where the policies and objectives of the Cork City Development Plan 2015 apply.

#### 3.1 Cork City Development Plan 2015

Mahon Point Shopping Centre is zoned as part of the Mahon District Centre as indicated in Figure 2 below. Objective Z08 of the Development Plan relates to District Centres. This objective seeks:

*'To provide for and/or improve district centres as mixed-use centres, with a primary retail function which also act as a focus for a range of services.'*

Figure 2: Extract from City Development Plan Zoning Map



Objective 14.7 of the City Development Plan seeks *'to ensure Mahon District Centre is developed as a high-quality shopping, leisure, working, residential and urban environment in accordance with the local area plan and the retail strategy.'*

#### Comment

The proposed subdivision will not result in an increase of retail floorspace and the subdivision will not have any material impact on the vitality or viability of Cork City Centre.

### 3.3 Retail Planning Guidelines 2012

The Retail Planning Guidelines was published in 2012 with the aim of ensuring *'that the planning system continues to play a key role in supporting competitiveness in the retail sector for the benefits of the consumer in accordance with proper planning and sustainable development.'*

Shopping Centres are defined in the Guidelines as *'predominantly purpose-built centres comprising a mix of large and small units, typically anchored by a large convenience goods stores.'*

Mahon is a designated District Centre and the Retail Planning Guidelines states *'the role of a district centre is to provide a range of retail and non-retail service functions (e.g. banks, post office, local offices, restaurants, public houses, community and cultural facilities for the community at a level consistent with the function of that centre in the core strategy.'*

The Guidelines state that *'large convenience stores comprising of supermarkets, superstores and hypermarkets are now an accepted element of retailing in cities and large towns. They provide primarily for the weekly convenience goods shopping of households. They require extensive open areas of floorspace together with adjacent car parking as the majority (but not all) their customers undertake their bulk convenience shopping trips by car.'*

#### Comment

The anchor unit has been vacant since Debenhams closed in April of this years resulting in the loss of 150 jobs. The proposal to subdivide the anchor unit into 2 no. retail units will make it considerably easier to let and will generate new employment in the Shopping Centre.

### 4 Section 5 question

As set out above, we ask Cork City Council to confirm whether the subdivision of the anchor unit formerly occupied by Debenhams at Mahon Point Shopping Centre into two no. retail units is or is not exempted development.

Section 3 Part 1 of the Planning and Development Act 2000 (as amended) states that:

*'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'.*

Works are defined under Section 2 of the Act as *"includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."*

Works are proposed to take place in this instance. However, we submit that they are exempt as per Section 4(1) which goes on to state that *"The following shall be exempted development for the purposes of this Act –*



- e) sub-division of Anchor Store number 2 into smaller retail units,
- f) total gross area of the superstore (foodstore) which shall not exceed 5,197 square metres, with a net retail area of 2,786 square metres,
- g) gross floor space of the food court which shall not exceed 2,482 square metres, and
- h) gross floor space of banking area which shall not exceed 732 square metres.

There is no condition contained within the parent consent that (i) limits/ restricts the subdivision of anchor unit 1 or (ii) limits the type of retail goods on offer (i.e. comparison or convenience) within the anchor unit. The proposed subdivision of this unit will not result in an increase in floorspace.

Reference is made to application ref T.P. 16/37147 for the reconfiguration and amalgamation of units 33-36 and the provision of a mezzanine level floorspace at Mahon Point Shopping Centre. The Planning Case Officer in assessing that planning application stated:

*'The land-use zoning objective which is to provide for and/ or improve district centres as mixed use centres, with a primary retail function which also acts as a focus for a range of services. In my view, the 'improvement' of the centre can reasonably include the appropriate reconfiguration of units in order to adapt to changing retailing needs, provided that such reconfiguration does not have a detrimental impact on the viability and vitality of the centre.'*<sup>1</sup>

A convenience retailer may occupy one of the units that would be formed by the subdivision of the anchor unit. This would reduce the extent of comparison retailing floorspace and enhance/ expand the convenience retail offering providing for a wider range of choice within the shopping centre.

The Planning Case Officer for 16/37147 goes on to state:

*'The various policy references quoted above do not support 'significant' expansion of comparison floor space in the centre...*

*I note too that condition 5(c) of PL28.124788 (TP 99/23033), the original permission for the shopping centre, stated the max. gross comparison retail area shall be limited to 16,922m<sup>2</sup>. However, this and other aspects of the aforementioned permission have since been effectively modified by subsequent grants of permission....*

*I note that several applications have granted for 'minor' increases in floor area for both retail and non-retail (including storage) purposes...there was still a 'residual' 407.5m<sup>2</sup> net capacity before the 'cap' of 11,845m<sup>2</sup> net (calculated @ 70:30 ratio from the 16,922m<sup>2</sup> gross as per the the An Bord Pleanála condition) was reached.'*

The Planning Case Officer goes on to reference a number of planning applications for extensions to floorspace which 'would appear to indicate that relatively minor and incremental increases in retail floor area could be considered on their merits as long as they are not contrary to any City Development Plan development objectives, e.g. that no 'significant' expansion of comparison floor space would be facilitated.'

<sup>1</sup> Underline added for our emphasis

The proposal for subdivision is consistent with the policies and objectives of the Cork City Development Plan which fully support the reconfiguration of existing vacant units to attract occupiers.

Covid-19

Covid-19 has had a very significant effect on the retail sector and on Mahon Point. Lockdown measures earlier in the year forced the shopping centre to close and a second 6-week lockdown commencing on 22<sup>nd</sup> October will result in the shopping centre closing again.

It is important that measures are taken to combat vacancy within the Shopping Centre and proposals that seek to support the viability and vitality of the Centre should be supported/ welcomed by the Planning Authority, particularly in the current circumstances. It is expected that recent trends such as click and collect, which have become increasingly popular during the Covid-19 pandemic, will have a lasting impact on the retail sector. Until a vaccine/ cure for covid-19 is developed, shops will be required to limit the number of customers allowed into the shop at any given time. Services like click and collect allow retailers to make up for lost footfall while still maintaining a physical presence.

Subdividing the anchor unit into two no. units will have no material impact on the shopping centre. No increase in retail floorspace is proposed and the subdivided units will remain in retail use.

Planning Precedents

There are a number of planning precedents where Local Authorities have made declarations under section 5 of the Planning and Development Act (2000) as amended, that the subdivision of retail units is exempted development under the provision of the Planning Act. Some of these precedents are detailed below in Table 1.

**Table 1: Planning Precedents**

<b>Section 5 Ref.</b>	<b>ABP RL2308</b>
Local Authority	Dublin City Council. Referred to An Bord Pleanála.
Applicant	Castlethorn Construction
Address	Block K, The River Centre, Rathborne Place, Pelletstown, D.15
Section 5 Question	Whether subdivision of existing anchor retail unit, to create 2 new retail units plus internal shared lobby service area, is or is not development or is or is not exempted development.
Decision	Is development and is exempted development
Decision Date	11/07/2006
<b>Section 5 Ref.</b>	<b>FS5W/14/20</b>
Local Authority	Fingal County Council
Applicant	Blanche Retail Nominee Limited
Address	Unit 216, Blanchardstown Shopping Centre, Blanchardstown Town Centre, Coolmine, Dublin 15
Section 5 Question	Sub-division of retail Unit No. 216 (located over 2 levels - Level 1 and Level 2) into 2 no. retail units, i.e. Unit 192 at Level 1 and Unit 275/276 at Level 2.
Decision	Is exempted development
Decision Date	01/09/20

The unit remains vacant at present and our client is currently in discussions with potential occupiers for the vacant anchor unit and is seeking to reconfigure the former Debenhams unit into two no. units to maximise potential letting options. In these uncertain times it is vital that proposals which seek to maintain the vitality and vibrancy of Mahon Point Shopping Centre are supported.

The proposal is for the subdivision of the anchor unit only. No increase in floorspace is sought, no change of use will occur and no external changes are proposed. We are firmly of the view that the works required to subdivide the unit are exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended). There are plenty of examples where Planning Authorities have declared (under section 5) that the subdivision of retail units is exempted development and we ask Cork City Council to confirm this in respect of the former Debenhams unit at Mahon Point Shopping Centre.

<b>Decision Date</b>	11/04/2013
<b>Planning Ref.</b>	12/35451
<b>Proposal</b>	Permission is sought for the provision of a bored well with submersible pump and water treatment unit
<b>Decision</b>	Conditional
<b>Decision Date</b>	31/01/2013
<b>Planning Ref.</b>	12/35313
<b>Proposal</b>	The change of use of 43.3 sqm of bulk storage area to retail sales area(non-food) at the existing Tesco Supermarket
<b>Decision</b>	Conditional
<b>Decision Date</b>	20/08/2012
<b>Planning Ref.</b>	12/35186
<b>Proposal</b>	Modifications to the permitted Tesco service yard area consisting of the provision of a home shopping delivery service area of 183 sqm with an overhead canopy of 122 sqm, the proposal also includes for 3 no. loading bays and associated site development works
<b>Decision</b>	Conditional
<b>Decision Date</b>	19/04/2012
<b>Planning Ref.</b>	11/35129
<b>Proposal</b>	A dry cleaners kiosk adjacent to the main mall entrance to Tesco at the upper floor
<b>Decision</b>	Conditional
<b>Decision Date</b>	15/02/2012
<b>Planning Ref.</b>	10/34627
<b>Proposal</b>	Development consisting of the change of use of the existing 145 sqm unit from financial services to retail (comparison) use
<b>Decision</b>	Conditional
<b>Decision Date</b>	14/12/2010
<b>Planning Ref.</b>	10/34566
<b>Proposal</b>	Development consisting of the temporary use of temporary overflow car park at Mahon Point Shopping Centre, Mahon, Cork for temporary ice rink and ancillary development. The development will consist of 1 no stand alone marquee structure 35m x 45m. The temporary use will be operational from mid November to end of January. The temporary permission for the Ice Rink over this November to January period is sought for three years
<b>Decision</b>	Conditional
<b>Decision Date</b>	18/10/2010
<b>Planning Ref.</b>	10/34428
<b>Proposal</b>	For development at this site at Mahon Point Shopping Centre, Mahon, Cork.

	comparison goods sales areas and alterations to the back of house areas, elevational changes resulting from the proposed extension including a relocated entrance, additional storage areas, relocated stair core adjacent to car park entrance and ancillary basement alterations, a reduction in the car parking area dedicated to Tesco from 398 no. spaces to 303 no. spaces (this reduction allowing for an increase and relocation of dedicated parent and child spaces from 9 no. spaces to 12 no.), associated ground works and revisions to services and infrastructure to facilitate the development and relocation of existing illuminated and non illuminated signage located on the elevations of the existing supermarket
<b>Decision</b>	Conditional
<b>Decision Date</b>	15/12/2006
<b>Planning Ref.</b>	06/30940
<b>Proposal</b>	Replacement of an existing unauthorised Tesco sign at the entrance to supermarket at the Mahon Point Shopping Centre with a sign of 14.5 sq.m
<b>Decision</b>	Conditional
<b>Decision Date</b>	27/10/2006
<b>Planning Ref.</b>	06/30875
<b>Proposal</b>	This planning application includes modifications as reflected in TP 03/27336, 03/27622, 03/27623 and 03/27838. This is a new application to include, change of use of unit 20 (149sq. m) from retail services to comparison retail on the lower ground floor in Mahon Point Shopping Centre
<b>Decision</b>	Conditional
<b>Decision Date</b>	18/07/2006
<b>Planning Ref.</b>	06/30873
<b>Proposal</b>	This planning application includes modifications as reflected in TP 03/27336, TP 03/27622, TP 03/27623 and TP 03/27838. This is a new application to include change of use of unit F11c (221sq. m) from food & food storage to comparison retail, unit B1 (208sq. m) from banking to comparison retail, service area (35sq. m) to comparison retail, and 14sq. m of communal area to banking, giving total change of use of 478sq. m, and demolition of walls between units B1 and F11c, units F11b and F11c, and B1 service area and F11b. These are to be integrated with existing comparison retail units F11a and F11b (68sq. m) to form combined comparison retail unit of area 539sq. m at lower ground level at Mahon Point Shopping Centre
<b>Decision</b>	Conditional
<b>Decision Date</b>	19/07/2006
<b>Planning Ref.</b>	05/30269
<b>Proposal</b>	Entrance Lobby (Tesco)
<b>Decision</b>	Conditional
<b>Decision Date</b>	17/01/2006
<b>Planning Ref.</b>	05/29750
<b>Proposal</b>	A development which will consist of placement of the Omniplex logo signage to the existing south elevation. The approximate dimensions of the sign will

<b>Planning Ref.</b>	04/28998
<b>Proposal</b>	Construction of a mezzanine within Unit 42, which is located on the upper ground floor
<b>Decision</b>	Conditional
<b>Decision Date</b>	12/01/2005
<b>Planning Ref.</b>	04/28980
<b>Proposal</b>	The construction of a mezzanine floor for storage
<b>Decision</b>	Conditional
<b>Decision Date</b>	09/02/2005
<b>Planning Ref.</b>	04/28894
<b>Proposal</b>	A mezzanine floor area of 274m <sup>2</sup> retail space
<b>Decision</b>	Conditional
<b>Decision Date</b>	03/12/2004
<b>Planning Ref.</b>	04/28892
<b>Proposal</b>	Placement of the Omniplex Logo Signage to the Shopping Centre External Facade North Elevation (measure 2160 x 9860 approx.) Both signs will consist of individually internally illuminated letters with blue front colour and back lit with white halo light, fixed 60mm off facade surface
<b>Decision</b>	Conditional
<b>Decision Date</b>	03/12/2004
<b>Planning Ref.</b>	04/28765
<b>Proposal</b>	New mezzanine storey, floor area 583m <sup>2</sup> and ancillary works
<b>Decision</b>	Conditional
<b>Decision Date</b>	09/12/2004
<b>Planning Ref.</b>	04/28652
<b>Proposal</b>	This planning application comprises of alterations to previously approved car park layout to include integration of additional lands and shall include the provision of new access walkway to Inchera Close, associated lighting and landscaping, both hard and soft. This application provides for 1600 car parking spaces, per condition 9b of ABP PL 28.124788 / TP 23033/99
<b>Decision</b>	Conditional
<b>Decision Date</b>	17/09/2004
<b>Planning Ref.</b>	04/28301
<b>Proposal</b>	Modifications to the external signage on the facades around the shopping centre. This consists of the following: 2 new Debenhams internally illuminated signs (outside the Debenhams demise signs at the Western entrance), alteration to previous approved signage tower on top of Western entrance including 2 x Mahon Point name signs on the side of signage tower, 4 x Mahon Point logo illuminated signs around the building

<b>Decision</b>	Conditional
<b>Decision Date</b>	12/08/2003
<b>Planning Ref.</b>	02/26704
<b>Proposal</b>	Construction of development of site of 10.5 hectares
<b>Decision</b>	Conditional
<b>Decision Date</b>	11/03/2003