

Comhairle Cathrach Chorcaí Cork City Council

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

Jan Odsterhof
Cunnane Stratton Reynolds,
Unit 3,
Copley Hall,
Cotters Street

17th Nov 2020

**RE: Section 5 Declaration R611/20 – Leaside Apartments,
Bachelor's Quay, Cork City**

A Chara,

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

- the particulars received by the Planning Authority on 20/10/2020
- Sections 3 & 3 of the Planning and Development Act, 2000 (as amended)
- Section 4 (1)(h) of Planning and Development Act, 2000 (as amended)
- The permitted development of TP98/21979 on the site which expired in May 2003

it is considered that,

- the use of the roof of an existing car park as communal open space by residents of the apartment complex

is development and is not exempted development.

Having regard to the nature of the proposed works and use and to Section 2(1), 3(1), and Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as outlined above it is considered that the 'is development' and 'is not exempted development'.

Is misa le meas,

Kerry Bergin
Community, Culture and Placemaking Directorate
Cork City Council



We are Cork.

SECTION 5 DECLARATION – PLANNER’S REPORT

File Reference: R 611/20

Description: Whether the use of the roof of an existing car park at Leaside Apartment Complex as communal open space by residents of the apartment complex constitutes development, and if so, is it exempted development?

Applicant: Cluid Housing

Location: Lee side Apartments
Bachelor’s Quay
Cork City

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.

SITE LOCATION

The location of the proposed development is within the grounds of the Leaside apartment complex which is located on Bachelor’s Quay in Cork City. The complex is located on the junction of Grattan Street and Bachelor’s Quay and consists of 5 and 6 storey apartments facing onto Grattan Street, Devonshire Street West and Bachelor’s Quay. Internally, within the complex is a car park structure with 3 levels. The top level is an outdoor roof top.

The site does not contain any protected structures but is located within a designated North Mall and the March Architectural Conservation area of the City Development Plan.

Subject Development

It is proposed to change the use of the existing roof top level of an existing car park to a community garden. The Section 5 application includes a plan for the proposed amenity space/garden area which includes both soft and hard surface areas, tree planting, a play area and play equipment; planting, outdoor benches and tables, a canopy structure, garden planters, indicative exercise equipment and metal screening boundary treatment. All of these will be contained within the confines of the roof top level of the car park structure.

RELEVANT PLANNING HISTORY

TP16/36720 – Retention application granted for the extension of apartments within the complex

TP07/31831 – Application refused by CCC for retention of 10 no. window and entrance door on south elevation and internal changes to 9 no. apartments

TP01/25535 – Applicant granted by CCC but refused by ABP for a change of plan type form permitted under TP01/25066. Refused due to overlooking concerns

TP01/25066 – Application granted for the construction of 9 no. apartments.

TP98/21979 – Application granted for 65 apartments and a car park structure for 58 no. spaces. Condition no. 2 of this permitted development stated the following:



Comhairle Cathrach Chorcaí **Cork City Council**

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



We are Cork.

<p>(a) The proposed car park deck shall be modified to provide a minimum width of 4 metres between the car park and the existing stone warehouse.</p> <p>(b) A revised drawing showing the omission of level 3 and a roof over the upper level car deck shall be submitted to and agreed with the Planning Authority. This roof areas hall be landscaped as an amenity open area for the sole use of the occupants of the apartments.</p>	<p>To provide amenity open space in the interests of residential amenity and to ensure the architectural integrity of the existing stone warehouse.</p>
---	---

From the details of the planning file of 98/21979, no compliance drawings were submitted for the details sought for the communal garden area. These works were not carried out and since construction of the development, the space has not been used as a car park or a communal garden. I note that TP98/21979 expired in May 2003.

RELEVANT LEGISLATION

Planning and Development Act 2000 (as amended)

'Development' as defined in the Act (3)(1) comprises two possible chief components: *'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'*. In order to ascertain whether or not the subject use is considered to be development as so defined, consideration must first be given to whether any works on, in, over or under land have or will be carried out, and secondly to whether any material change in the use of any structures or other land have or will take place.

Section 4 of the Act refers to *'Exempted Development'* and Subsection (1) sets out categories of development that shall be exempted development for the purposes of this Act. Subsection (1) (h) states the following:

'Development consisting of the carrying out of the 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 of the structure or of neighboring structures'.

Section 2(1),

"exempted development" has the meaning specified in section 4.

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

Section 3(1),

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



Comhairle Cathrach Chorcaí **Cork City Council**

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



We are Cork.

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 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 9 (1)

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

- (a) (i) if the carrying out of such development would... contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
- (a) (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,*

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*

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 & Recommendation

As per definition of “*development*” in Section 3 (1) of the Planning and Development Act 2000 (as amended), the issues of works and material change of use proposed by this development will be assessed to determine the planning status of the proposed development.



Comhairle Cathrach Chorcaí

Cork City Council

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



We are Cork.

Works

The proposed change of use of the external car park to a communal garden will require activities relating to construction, alteration, repair and renewal to an existing structure to enable the change of use to take place. I consider that these works would be as per the definition of works in the Act and would therefore constitute "development".

These works will be carried out on the exterior of the structure (the building itself) and would therefore be considered as external works in terms of assessing this proposal within the provisions of in Section 4 (1) (h) of the Act. To be exempt under Section 4 (1) (h), these external works must not materially affect the external appearance of the structure so as to render the appearance as inconsistent with the character of the structure or of neighboring structures.

Having regard to the location and proposed use for the roof top location as a communal garden to serve the occupants of the apartment complex, I would consider these works would constitute a change of external appearance which would be inconsistent with the external appearance of the permitted roof top car park. It is therefore considered that the works are not "exempted development" under the provisions of Section 4 (1) (h) of the Act.

Material Change of Use

The permitted development of TP98/21979 for this external roof top area was for communal garden. This element of the development was never carried out and the planning permission expired in May 2003. The submitted planning report with the Section 5 application states that the roof top is not used for parking and the proposed change of use would therefore not result in the loss of parking spaces. As the developer never carried out the works for the permitted communal garden, I would regard the established use of this roof top area would be vacant roof space. The use of the roof top as a communal amenity space would be a new use.

In terms of whether this use is a material change of use, I would have regard to the provisions of Section 4 (1) (h) of the Act as well as any new implications that may arise from that change of use. The communal garden space would be occupied by residents as a shared amenity space, where there would be habitual visits to this space, social gatherings, use of the play area. These new activities could give rise potential noise implications, loss of private amenity and privacy for the residents who live in close proximity to the proposed communal garden area. I would regard these potential implications render the proposed change of use as a material change of use. The change of use of a communal amenity space from a vacant roof top is therefore considered to be a material change of use and would be classified as "development" as per the definition of "development" in Section 3 of the Act.

Conclusion:

- the particulars received by the Planning Authority on 20/10/2020
- Sections 3 & 3 of the Planning and Development Act, 2000 (as amended)
- Section 4 (1)(h) of Planning and Development Act, 2000 (as amended)
- The permitted development of TP98/21979 on the site which expired in May 2003

it is considered that,

- the use of the roof of an existing car park as communal open space by residents of the apartment complex



Comhairle Cathrach Chorcaí

Cork City Council

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



We are Cork.

is development and is not exempted development.

Having regard to the nature of the proposed works and use and to Section 2(1), 3(1), and Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as outlined above it is considered that the 'is development' and 'is not exempted development'.



Gwen Jordan McGee,
Senior Executive Planner
12/11/2020



Comhairle Cathrach Chorcaí

Cork City Council

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



We are Cork.

CUNNANE STRATTON REYNOLDS

CSR Ref: 20436/JO/201020

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

By Hand

20th October 2020



Re: Section 5 Reference with respect to Leaside Apartment Complex

Question: Whether the use of the roof of the existing car park at the Leaside Apartment Complex as communal open space by residents of the apartment complex constitutes development and if so, is it exempted development?

1.0 Introduction

We make the following submission to Cork City Council under the provisions of Section 5 of the Planning and Development Act 2000 (as amended). This request for a Declaration under this Section of the Act is made on behalf of Cluid Hosing. This request is accompanied by a cheque to the value of €80 made payable to Cork City Council in respect of the prescribed fee.

This Declaration is sought in relation to the provision of communal open space on the roof of the existing car park for use by residents at the Leaside Apartment Complex, Bachelors Quay, Cork outlined in red on the attached Site Location Map, at Appendix A. We are of the view that the use of roof of the existing car park for open space by residents does not constitute development. Our case is set out in detail in Section 5 below.

2.0 Site Location and History

The Leaside Apartments complex is located on Bachelor's Quay in Cork City Centre as shown in Figures 1 and 2 below. Leaside Apartments comprise a u-shaped building that wraps around a multi-storey car park for residents. The building ranges from 4 to 5 storeys in height with accommodation in the roof space as shown in Figure 2 below. The apartment complex has frontage onto Bachelor's Quay, Grattan Street and Devonshire Street West. Vehicular access to the car park is taken from Grattan Street and Devonshire Street West.

CORK OFFICE
COPLEY HALL, COTTERS STREET, CORK
TEL: 021 496 9224 FAX: 021 496 9012
EMAIL: corkinfo@csrlandplan.ie

OFFICES ALSO AT:
3 MOLESWORTH PLACE, DUBLIN 2
TEL: 01 661 0419 FAX: 01 661 0431
EMAIL: info@csrlandplan.ie

DIRECTORS

Joe Cunnane BA (Hons) Dip TP MRTPI MIPI: Eamonn Prenter BA (Hons) Dip TP MSc MRTPI MIPI: COPLEY HALL, COTTERS STREET, CORK
Declan O'Leary BAg Sc (Land-Hort) Dip LA MILI MLI: Jim Kelly BAg Sc (Landscape-Hort) Dip LA MILI CMLI: TEL: 021 496 9224 FAX: 021 496 9012
Keith Mitchell MA (Hons) LA Dip EIA Dip Arb MILI CMLI: EMAIL: corkinfo@csrlandplan.ie
WWW.CSRLANDPLAN.IE

Figure 1 Site Location

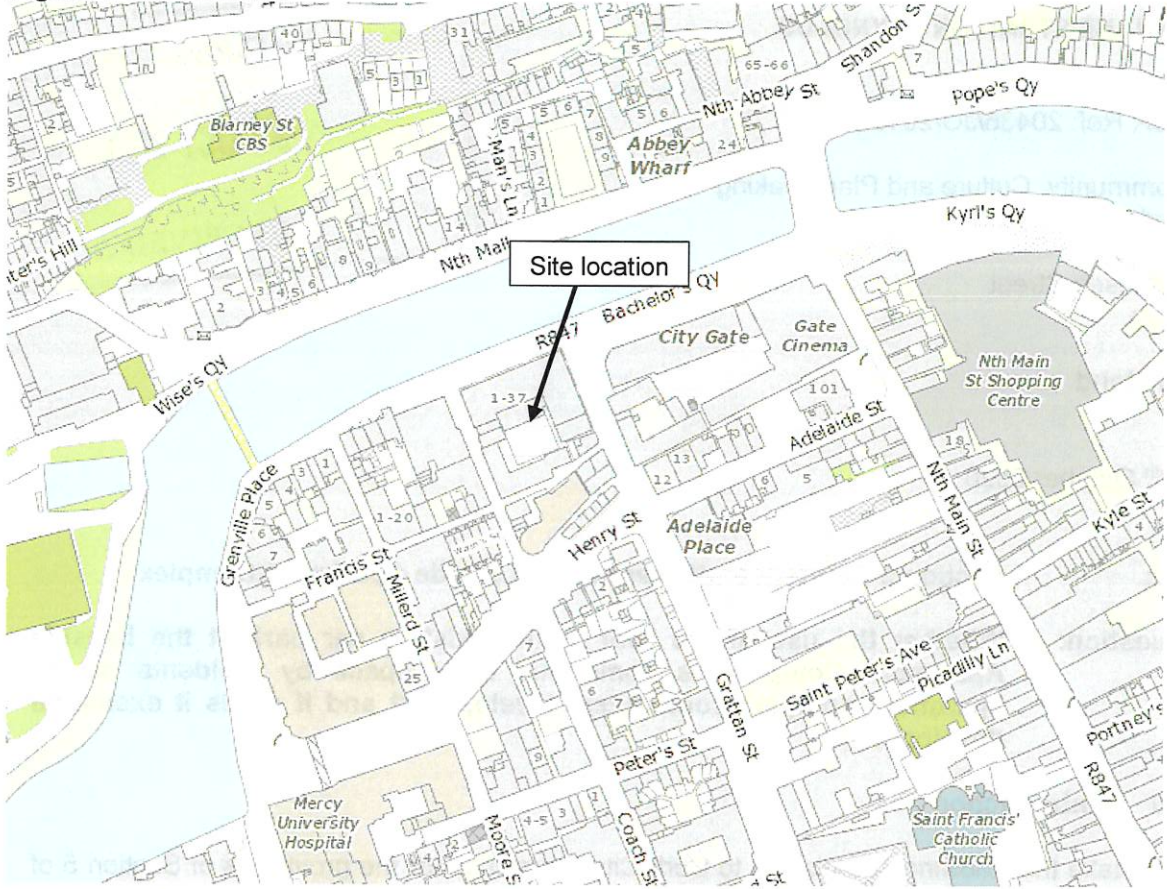


Figure 2: 3D aerial image of site (Source: Google Maps)



3.0 Planning History and Planning Policy Context

3.1 Planning History

A record of planning applications and enforcement on the site is set out in Table 1 below.

Table 1: Planning Applications on the site

Planning Ref. No.	16/36720
Applicant	c/o Grant Thornton, Stephen Tennant and Gearoid Costello (Joint Receivers)
Development Description	Permission for retention of extension of apartments, 8,8A, 20, 21, 35, 36, 53, 54 and 67
Date Received	18/01/2016
Decision	Conditional Grant of Permission
Decision Date	23/05/2016

Planning Ref. No.	07/31831
Applicant	Michael and Kevin Corbett
Development Description	Retention of 10 no. windows and entrance door on south elevation of existing apartment building and internal changes to 9 no. apartments
Date Received	04/04/2007
Decision	Refused Permission
Decision Date	29/05/2007

Enforcement Ref. No.	E5586
Applicant	Mr. Michael & Mr. Kevin Corbett
Description of unauthorised works	Unauthorised windows on Southern gable
Date Received	24/02/2005
Status / Outcome	Case closed / resolved
Outcome date	03/12/2007

Planning Ref. No.	01/25535
Applicant	Michael Corbett
Development Description	Change of plan type permitted under 01/25066 from self contained apt. Block to extension of 8 no. Existing apts. & convert & extend store to 1 apt. & retain works comm.
Date Received	31/08/2001
Decision	Granted conditional permission by CCC. Refused at appeal by ABP.
Decision Date	24/10/2001

Planning Ref. No.	01/25066
Applicant	Michael Corbett
Development Description	Construct 9 no. Apartments & to retain works already commenced
Date Received	16/03/2001
Decision	Conditional grant of planning permission
Decision Date	10/05/2001

3.2 Planning Policy Context

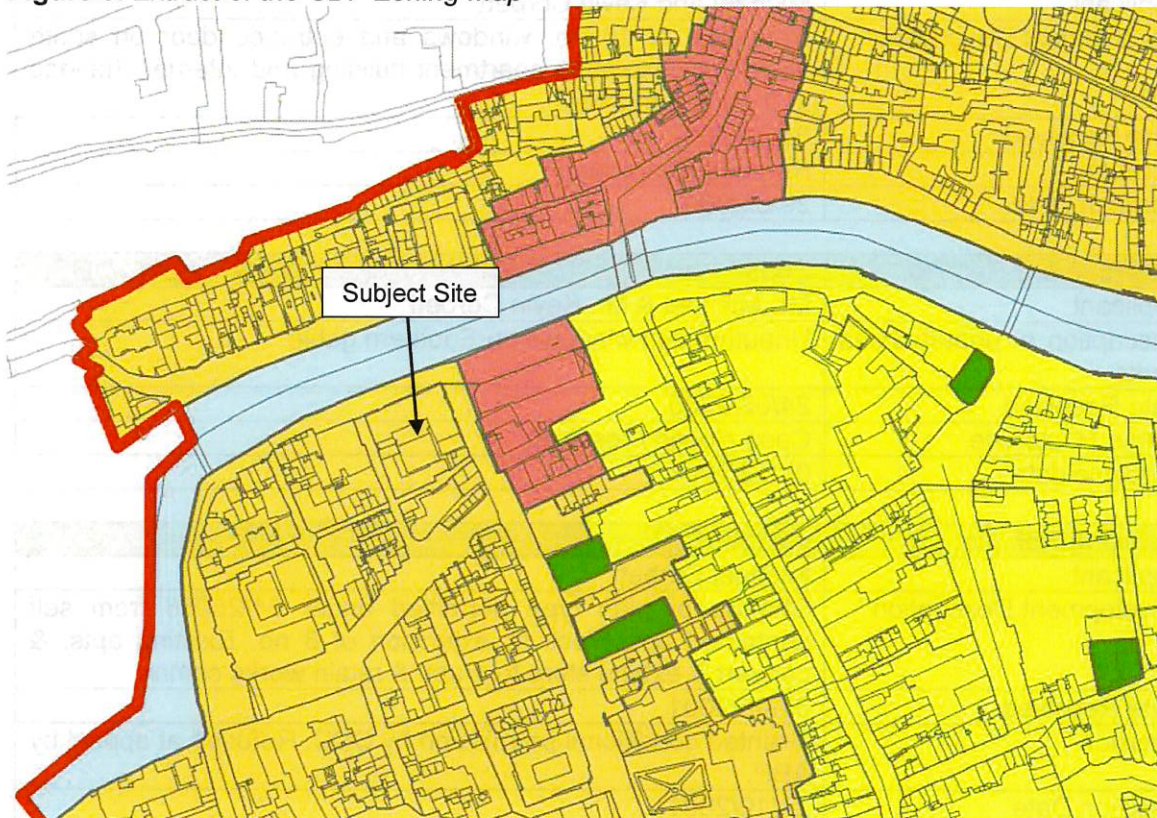
The site is located in an area where the provisions of the Cork City Development Plan 2015 apply.

Site Zoning

The site is zoned as Inner City Residential Neighbourhood as shown in Figure 3 below. This zoning relates to areas outside the Commercial Core zoning but within the City Centre boundary and some areas in the Docklands. These areas include a large quantity of older housing stock, some low end commercial uses and a range of other non-residential types such as large health and education institutions and community facilities, which strongly contribute to the character of these areas. Civic and institutional functions will be facilitated in this zoning where appropriate. The objective of this zoning is:

“To reinforce the residential character of inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions”

Figure 3: Extract of the CDP Zoning Map



Relevant Policies of the Cork City Development Plan 2015

The Development Plan sets out an overall vision for the City as follows:

‘The vision for Cork City over the period of this Development Plan and beyond is to be a successful, sustainable regional capital and to achieve a high quality of life for its citizens and a robust local economy, by balancing the relationship between community, economic development and environmental quality. It will have a diverse innovative economy, will maintain its distinctive character and culture, will have a network of attractive neighbourhoods served by good quality transport and amenities and will be a place where people want to live, work, visit and invest in’.

The site is located within the North Mall and the Marsh Proposed Architectural Conservation Area as highlighted in Figure 4 below. The North Mall and the Marsh ACA is described as follows in the City Development Plan;

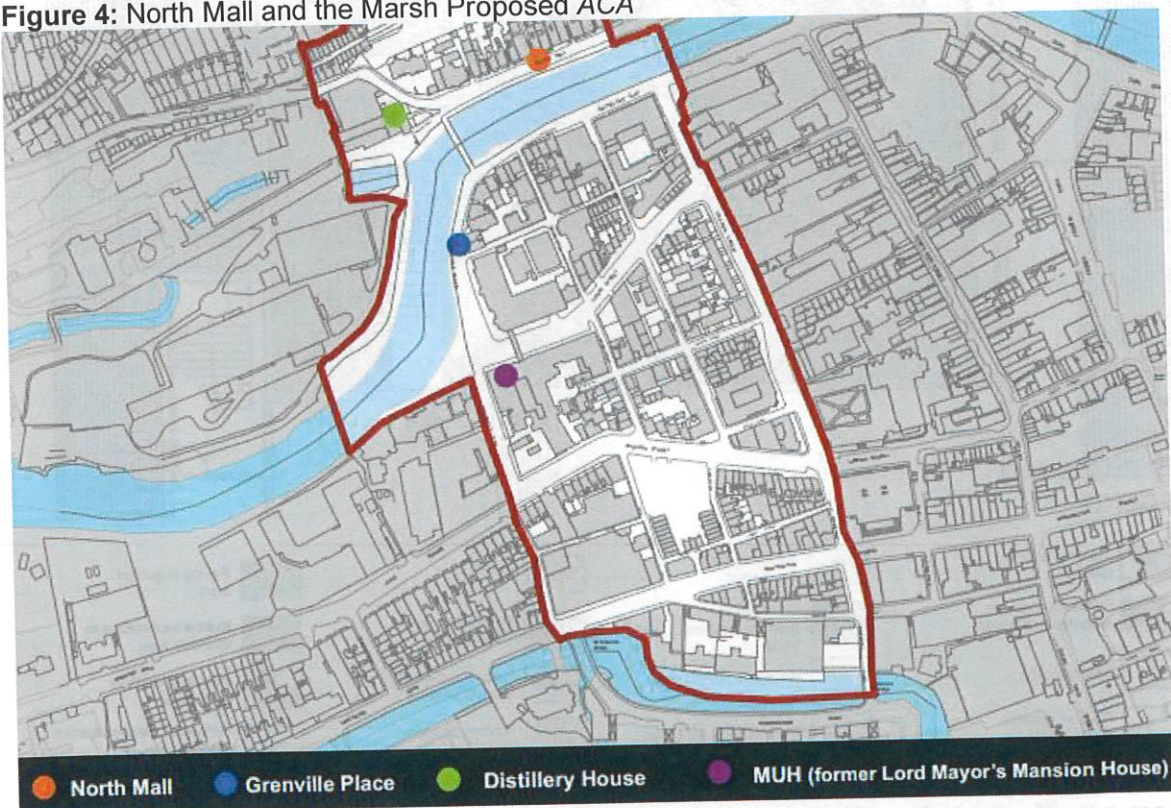
“Located between the two principal channels, the North and South Channels of the River Lee, the area is essentially a marsh. Early maps show parallel intermediate water channels along Henry St. and Sheare’s St. which are now in-filled and/or culverted over. The area is bounded to the north by the rocky escarpment which forms the rear boundary of the properties along the North Mall. To the east the area abuts the North Main St. ACA centred around the former walled medieval city. To the west, the narrower neck of flat, low-lying land which contains Dyke Parade and the Mardyke....

The area of architectural, historical and, adjacent to the South Channel, of industrial archaeological significance. It is structured as a series of linear spaces running generally east-west parallel with the river channels. On the north edge of the area, the mid-Georgian space centred on the North Channel contains large Georgian terraced houses, and in the centre, the in-filled former waterways of Henry St. and Sheare’s St. are lined with a mix of smaller 18th and early 19th century houses....”

Objective 9.29 of the Development Plan seeks;

“To preserve and enhance the designated Architectural Conservation Areas in the City.”

Figure 4: North Mall and the Marsh Proposed ACA



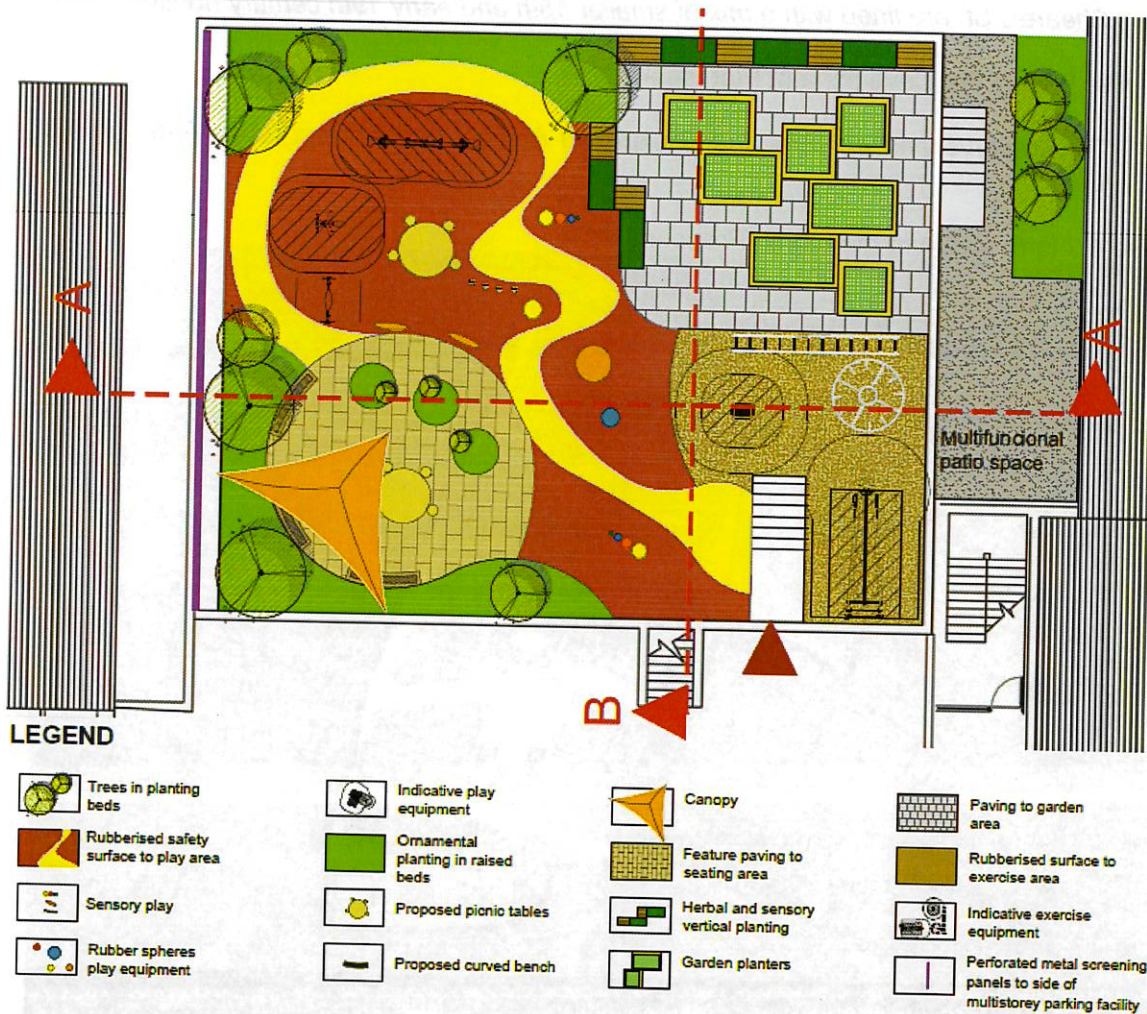
4.0 Proposed communal open space on the roof of the existing car park at the Leaside Apartment complex, Bachelor’s Quay, Cork.

The proposal provides amenity space for residents of the Leaside Apartments. The apartments do not benefit from private open space in the form of balconies (save for some penthouse units on the top floor) and there is no existing communal open space within the site. The roof of the car park is not used for parking and will not result in any loss of car parking spaces. The proposed open space/ amenity area will be for the benefit of residents only and it will not be accessible to the public.

An indicative site plan has been prepared by Cunnane Stratton Reynolds as shown in Figure 5 below. The proposal provides for:

- A paved garden area with garden planters
- Seating area with feature paving
- Exercise area with equipment and rubberised surface
- Play area for children with rubberised safety surface
- Trees in planting bed
- Herbal and sensory vertical planting
- Screening panels to side of car park building
- Stepped access to multifunctional patio space

Figure 5: Proposed Site Plan



There are effectively five elements to this proposal:

- Surface/ roof treatment,
- Series of trees in planters,

- iii) Canopy/ awning,
- iv) Cladding panels, and
- v) Metal staircase

Each of these elements on their own or in combination do not require planning permission as they are neither structures nor works as defined in the Act.

There is an existing wall (1.2m high) running along the boundary of the roof. An additional 60cm over the existing authorised structure is required to enhance safety and provide a sense of enclosure. In our view an additional 60cm does not require planning permission.

The apartment complex was constructed circa 2001 and pre-dates modern design guidance which would require developments such as the Leaside Apartments to provide private open space (in the form of balconies/ terraces) and communal open space for residents. The provision of communal amenity space as proposed would be a significant benefit to the residents of the apartment complex. No element of the proposal will be visible outside the confines of the site.

5.0 Section 5 Question

As set out above, we ask Cork City Council to confirm that the use of the roof of the existing car park as communal open space by residents of Leaside Apartments is not development.

Section 3(1) of the Planning and Development Act 2000 (as amended) defines development as follows:

“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 in the Planning and Development Act is defined as follows:

“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”.

We submit that the provision of open space on the roof of the car park for use by residents does not constitute development. In our view the proposal does not involve ‘works’ as defined in the Planning and Development Act (2000) as amended. No ‘act or operation of construction, excavation, demolition, alteration, repair or renewal’ will occur as a result of the proposal to provide an amenity space for residents of the apartment complex.

If the Planning Authority are of the view that the provision of open space on the roof of the car park constitutes development we submit that such works would be exempted under sections 4(1)(h) and 4(1)(j) of the Planning and Development Act 2000 (as amended).

Section 4(1)(h) states:

“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.”

In the context of the second half of Section 4(1)(h) we would point out that the five elements of the proposal (resurfacing, planting, canopy, cladding panels and staircase) cannot be seen to materially affect the external appearance of the structure. Indeed the elements proposed are similar in nature to what one might expect in a domestic setting.

Section 4(1)(j) states:

“Development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such.”

It's clear in this instance that the activities catered for on the roof are incidental to the enjoyment of the apartments and in the context of apartments we refer to the definition of the house in the Planning and Development Act 2000 (as amended) below.

House is defined as follows in the Planning and Development Act 2000 (as amended):

“a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building¹.”

Covid-19

The provision of amenity space is seen an essential in the current climate. The public health advice is to work from home if possible and to limit social contact with other people. The lack of any open space (private or communal) within the Leaside Apartment complex means residents are required to leave the apartment complex should they wish to find some public open space. The residents of the Leaside Apartments would be severely restricted if Cork enters another coronavirus lockdown in that some of the public parks in the locality might close and some of the larger open space areas might be over-crowded.

6.0 Conclusion

Clúid Housing are proposing to provide amenity for residents of the Leaside Apartment complex through the provision of open space and associated facilities on the roof of the existing car park within the site. The proposed open space area will be accessible to residents of the Leaside Apartment complex and it will not be open to the public.

The use of the roof of the car park is efficient use of space and provides some much needed break out space for residents that is both safe and secure. Access to the roof will be via the existing stair core within the car park. We are of the view that proposal does not constitute development as defined in the Act where no works will occur.

Yours sincerely



Jan Oosterhof BSocSc MPlan
Executive Planner

CUNNANE STRATTON REYNOLDS
LAND PLANNING & DESIGN

Dublin, Cork & Galway

www.csrlandplan.ie

¹ Underline added for our emphasis

Appendix A – *Site Location Map*

Planning Pack Map

CENTRE COORDINATES:
ITM 566874,572119

PUBLISHED: 25/09/2020
ORDER NO.: 50143967_1

MAP SERIES: 6382-09
MAP SHEETS: 1:1,000

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

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

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

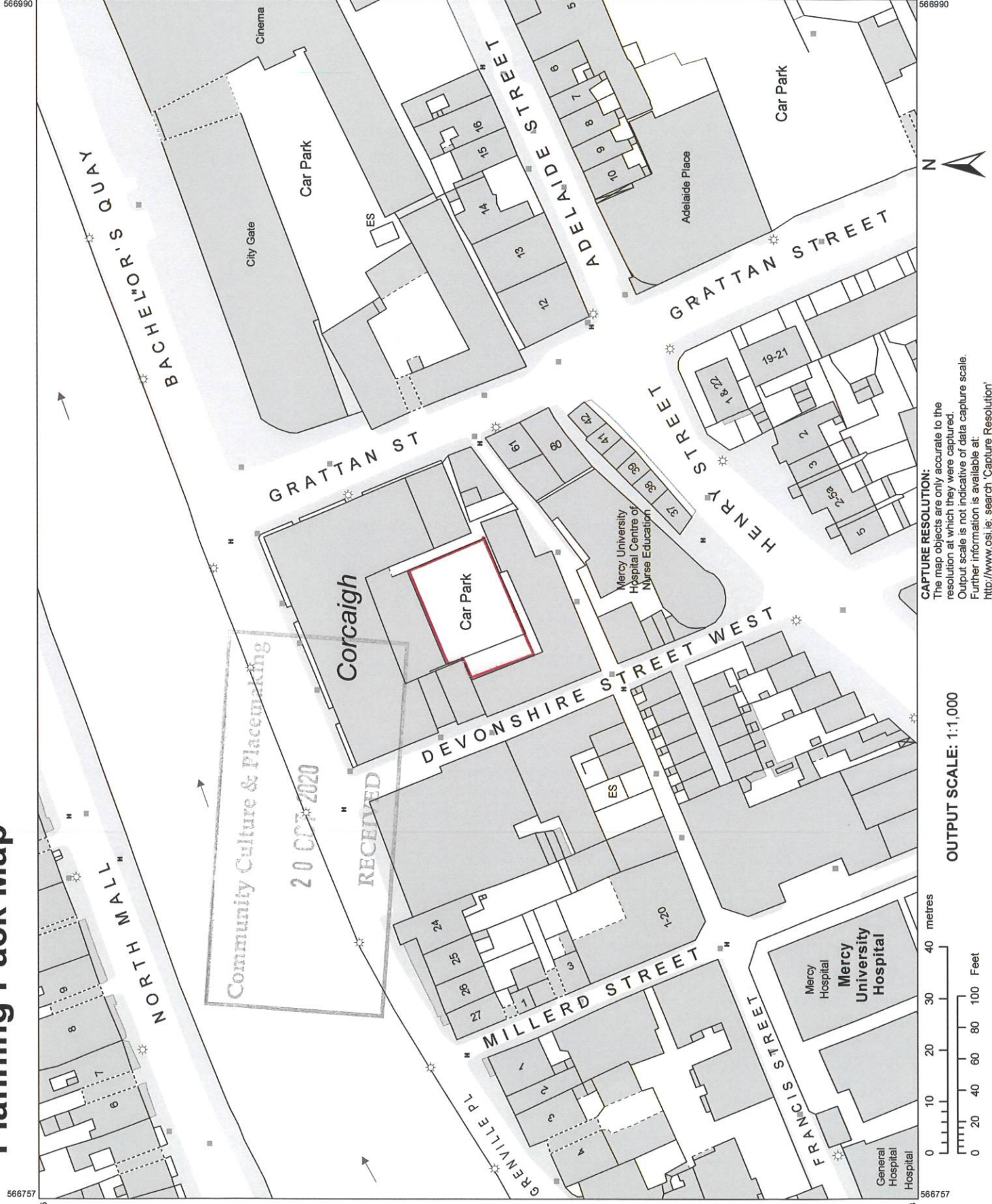
The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

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

© Suirbhéireacht Ordnáis Éireann,
2020
© Ordnance Survey Ireland, 2020
www.osi.ie/copyright

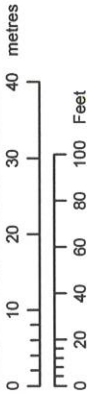
LEGEND:

<http://www.osi.ie>;
search 'Large Scale Legend'



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

OUTPUT SCALE: 1:1,000



566990

566757

572033

2033

**COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL**

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

R-Phost/E-Mail planning@corkcity.ie

Fón/Tel: 021-4924762

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

Leeside Apartments, Bachelor's Quay, 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 use of the roof of the existing car park at the Leeside Apartment Complex as communal open space by residents of the apartment complex constitutes development and if so, is it exempted development?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

Please refer to accompanying CSR cover letter

Community Culture & Placemaking

20 OCT 2020

RECEIVED

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

If so please supply details: No.

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

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority?

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

If so please supply details:

Please refer to accompanying CSR cover letter for details of planning history pertaining to the site

6. APPLICATION DETAILS

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

(a) Floor area of existing/proposed structure/s	c. 321m 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) n/a
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) Roof of car park is not currently in use	Proposed/existing use (please circle) Open space area for residents of the apartment complex

8. 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	n/a	
If you are not the legal owner, please state the name and address of the owner if available	n/a	

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

Signature: Jan Oosterhof for Cunnane Stratton Reynolds (Applicant's Agent)

Date: 20th October 2020