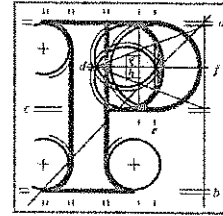


Our Ref: ABP-304075-19

PA Reg Ref: R496/18

Your Ref: Cork City Council



An  
Bord  
Pleanála

Cork City Council  
City Hall  
Anglesea Street  
Cork  
Co. Cork

19 JUL 2019

Re:

Whether the retention of parts of the original elevations and floor plan into the overall design under reg.ref: 16/37131 is or is not development or is or is not exempted development.  
9/10 Copley Street, Cork.

Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned referral under the Planning and Development Acts 2000 to 2019. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website ([www.pleanala.ie](http://www.pleanala.ie)). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

Yours faithfully,

Carmel Morgan  
Executive Officer

Comhairle Cathrach Chorcaí  
Cork City Council

22 JUL 2019

Strategic Planning & Economic  
Development Directorate

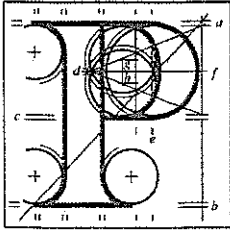
Teil  
Glao Áitiúil  
Facs  
Láithreán Gréasáin  
Ríomhphost

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64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902



An  
Bord  
Pleanála

Board Order  
ABP-304075-19

---

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: R496/18**

**WHEREAS** a question has arisen as to whether the retention of parts of the original elevations and floor plan into the overall design (with minor modifications to same) of development granted permission under planning register reference number T.P. 16/37131 at 9/10 Copley Street, Cork is or is not development or is or is not exempted development:

**AND WHEREAS** Hatch Copley Limited care of Reddy Architecture and Urbanism of Douglas Business Centre, Carrigaline Road, Douglas, Cork requested a declaration on the said question from Cork City Council and the said Council issued a declaration on the 4<sup>th</sup> day of March, 2019 stating that the said matter is development and is not exempted development:

**AND WHEREAS** Hatch Copley Limited referred the declaration for review to An Bord Pleanála on the 28<sup>th</sup> day of March, 2019:

**AND WHEREAS** An Bord Pleanála, in the light of the documentation on file has reformulated the question as follows:

Whether the as constructed building, incorporating alterations to the elevations and changes in 4th level floor plans to that permitted under Cork City Council planning register reference number T.P. 16/37131 at 9/10 Copley Street, Cork is or is not development and is or is not exempted development.

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) section 3(1) of the Planning and Development Act, 2000,
- (c) section 4(1)(h) of the Planning and Development Act, 2000,
- (d) the planning history of the site, and
- (e) case law and in particular, *Horne vs Freeney* (Unreported, Murphy J, HC 1982):

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) the elevational changes and floor plans arise from a change of use of the building from office use to student accommodation which involved the carrying out of works, and is, therefore, development as defined under section 3(1) of the Planning and Development Act, 2000,

- (b) the development that has been carried out differs from that for which planning permission was granted under planning register reference number T.P. 16/37131 and the Board is satisfied that the deviations from the permitted development area, when taken cumulatively, are significant and material, and are not immaterial or de minimis, and are not, therefore, within the scope of the development granted planning permission under planning register reference number T.P. 16/37131,
- (c) the development that has taken place, that is the subject of the referral, involves works included in a previous permission and not those in the implemented permission (planning register reference number T.P. 16/37131) and were carried out prior to the works authorised by the implemented permission. In such circumstances and in accordance with case law (*Horne vs Freeney*), the subject works cannot avail of the exemption provided under section 4(1)(h) of the Planning and Development Act, 2000, and
- (d) there are no other exemptions in the Planning and Development Act, 2000, as amended, or in the Planning and Development Regulations, 2001, as amended, whereby such material deviations would constitute exempted development.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that as constructed building, incorporating alterations to the elevations and changes in 4th level floor plans to that permitted under Cork City Council planning register reference number T.P. 16/37131 at 9/10 Copley Street, Cork is development and is not exempted development.

## Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

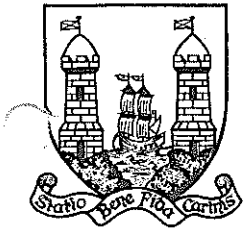


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Terry Ó Niadh

Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.

Dated this 18<sup>th</sup> day of July, 2019.



# Comhairle Cathrach Chorcaí Cork City Council

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

Eoin McCarthy  
Reddy A+U  
Douglas Business Centre  
Carrigaline Road  
Douglas  
Cork

04/03/2019

**RE: Section 5 R496/18 9/10 Copley Street**

Dear Sir/Madam,

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

Having regard to:

- The non implementation of planning permission T.P. 16/37131 in full as required under Condition 1 of that permission;
- Restriction on exemption outlined in Article 9,(1),a,(i) of Part 2 of the Planning and Development Regulations 2001 (as amended);
- The alteration in size of windows and in the materials of the balcony area;
- Alterations to the ground floor layout; and
- Variation No. 5 (Student Accommodation) of the Cork City Development Plan 2015-2021 in relation to provision of private amenity space;

the works described in the application form as '*retention of parts of the original elevations and floor plan into the overall design (with minor modifications to same)*' **IS DEVELOPMENT and IS NOT EXEMPTED DEVELOPMENT.**

Yours Faithfully,

**Paul Hartnett**  
Assistant Staff Officer  
Strategic Planning & Economic  
Development  
Cork City Council



**We are Cork.**

## SECTION 5 DECLARATION – PLANNER'S REPORT

**File Reference:** R 496/18

**Question:** *'Whether the retention of parts of the original elevations and floor plan into the overall design (with minor modifications to same) is considered exempted development under the Planning Act and are in substantial accordance with the planning permission granted under planning ref: 16/37131.'*

**Applicant:** Hatch Copley Ltd.,

**Location:** Copley St, Cork.

---

### 1. FURTHER PLANNING ASSESSMENT

Further Information was requested on 28.01.2019 as follows:

*1. Please submit a full set of 'as constructed' drawings including floor plans in order that the Planning Authority can establish how all of the elevational changes relate to the constructed internal floor plans. Please note that the 'as built' fourth floor elevation (south internal courtyard) does not appear to match the as constructed fourth floor layout in terms of windows.*

*2. Please clarify whether the non provision of the glass roof garden balustrade proposed under the response to the Further Information request (Item 3) of T.P 16/37131 will still allow for the use of the roof area as an amenity space (in terms of building regulation requirements) and whether it is intended to provide a roof garden in this location as per the Landscape Plan submitted under T.P. 16/37131. Please clarify whether the existing parapet meets health and safety/building regulations in terms of the operational use of the space as a roof garden.'*

A response to same was made on 04.02.2019. In relation to Item 1 a full set of as constructed floor plans have been submitted. In relation to Item 2 it is stated that the retention of the balustrade of the roof garden area will enable its use as an amenity space for residents and is in accordance with Building Regulations (Part K).

As discussed in the publication 'Irish Law and Practise' (in relation to multiple permissions) the single permission being implemented must be carried out in its entirety (unless subsequently amended) (P.10/229 of Vol. III). Case law in this regard is discussed— arising from this it is now standard practise to include a condition (usually Condition 1) in relation to the carrying out of the development in relation to submitted drawings.

It is clear from the 'as constructed' drawings (of Block A) that only part of T.P. 16/37131 has been implemented. The layout of the fourth floor of Block A has been retained 'as was'. In terms of bedroom numbers the permitted layout proposed under T.P. 16/37131 allowed for 29 bedrooms on the fourth floor while the existing (non-altered) layout contains 33 bedrooms on this floor. In addition the central stairs and lift access permitted under T.P. 16/37131 have also not been constructed. The layout of the ground floor plan has also altered slightly to provide a separate entrance corridor to the common room - which has reduced in size. A second common room has

been provided in lieu of the reception area. The warden's apartment is now shown as a standard apartment.

The retention of the existing fourth floor layout and the non implementation of part of the permitted development would contravene Condition 1 of the permitted development which states as follows:

*'The development shall be carried out in accordance with the plans and particulars submitted to the planning authority on 28/10/2016, as amended by the revised details submitted by way of additional information on 26/5/2017, except where otherwise altered or amended by conditions contained in this Schedule.'*

Some of the alterations to the window design and the retention of the solid balustrade (as opposed to glass) to the first floor level roof area would also represent material alterations to the permitted development.

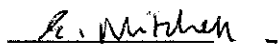
In addition since the decision was made in relation to T.P. 16/37131, Variation 5 of the Cork City Development Plan (Student Accommodation) was adopted (09.07.2018) which now sets out minimum standards for the provision of communal private open space per bed space. This Variation would be a material consideration in the assessment of the development in the light of the additional bedrooms which have been retained on the fourth floor.

## **2. CONCLUSION & RECOMMENDATION**

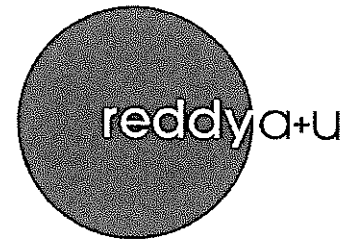
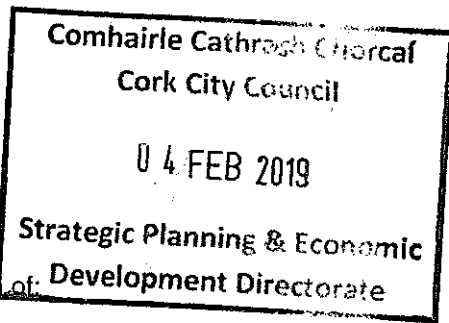
Having regard to:

- The non implementation of planning permission T.P. 16/37131 in full as required under Condition 1 of that permission;
- Restriction on exemption outlined in Article 9,(1),a,(i) of Part 2 of the Planning and Development Regulations 2001 (as amended);
- The alteration in size of windows and in the materials of the balcony area;
- Alterations to the ground floor layout; and
- Variation No. 5 (Student Accommodation) of the Cork City Development Plan 2015-2021 in relation to provision of private amenity space;

the works described in the application form as *'retention of parts of the original elevations and floor plan into the overall design (with minor modifications to same)'* **IS DEVELOPMENT and IS NOT EXEMPTED DEVELOPMENT.**

  
Evelyn Mitchell,  
Senior Executive Planner  
28/02/2019





31.01.2019.

For the Attention of:

Paul Hartnett,  
The Planning Department,  
Cork City Council,  
City Hall,  
Cork

Reddy Architecture + Urbanism  
Douglas Business Centre,  
Carrigaline Road, Douglas  
Cork, Ireland

T: +353 21 436 2922  
F: +353 21 436 3048  
E: cork@reddyarchitecture.com

ARCHITECTURE  
INTERIOR DESIGN  
PLANNING  
PROJECT MANAGEMENT  
URBANISM

**RE: Section 5 R496/18 9/10 Copley Street**

Dear Paul,

Further to your request for information dated 28/01/2019, please see below response to Items 01 & 02.

- 01. Please find attached full set of 'as constructed' Floor plans as requested. We note the discrepancy previously between the South Internal Courtyard Elevation and the Existing/Unchanged 4<sup>th</sup> Floor Plan. The floor plan has now been corrected.
- 02. We confirm the retainment of the existing solid balustrade to the roof garden at 1<sup>st</sup> floor will enable the terrace to be used as an amenity space for residents in accordance with the planning permission (Item 3 of T.P.16/37131). This balustrade is 1.2m high and in accordance with Part K of the Building Regulations.

Should you have any queries in relation to this please do not hesitate to contact me.

Yours sincerely,

**Eoin McCarthy**  
**REDDY ARCHITECTURE + URBANISM**



Offices in:  
London, Dublin, Cork, Sligo,  
Kilkenny and Belfast.

Associated Offices in:  
Abu Dhabi, Bucharest, Warsaw  
and Miami.

Reddy O'Riordan Staehli Ltd.  
Registered in Ireland, Reg. No. 380628.  
Registered office: Schoolhouse Studio  
Carrigaline Road, Douglas, Cork, Ireland.

Directors:  
Anthony Reddy, CEO and Chairman  
Aidan Healy, Paul Butler, Robert Keane

Group Directors:  
John Crawford, Kosta Kapetangianis,  
Ronan Kelleher, Mark Kennedy, Terence McCaw,  
Calbhac O'Carroll

Associates:  
Lorenzo Carmmoranesi, Padraig Hyde,  
John Leane, Tom Phelan

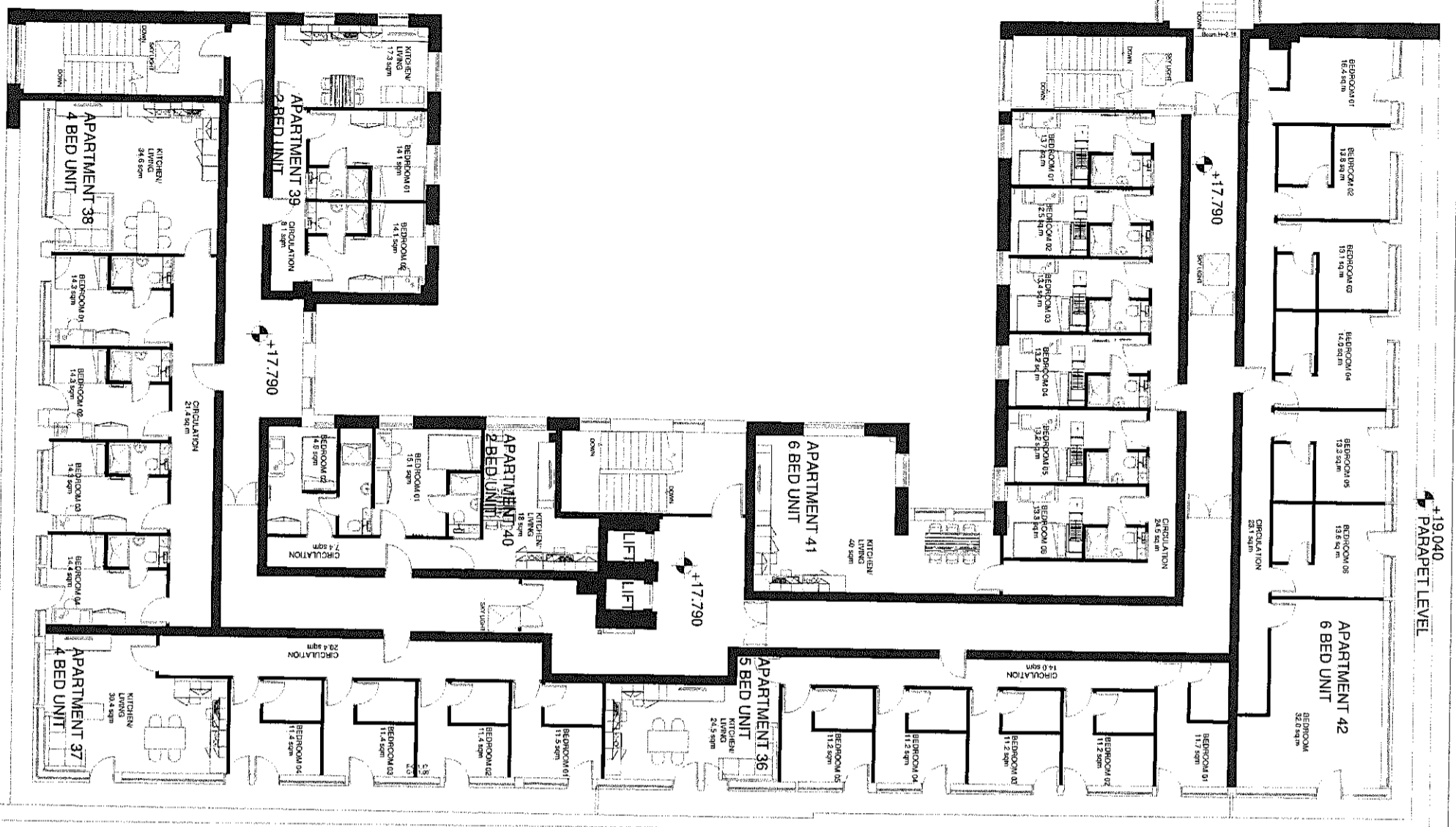


+19.040  
PARAPET LEVEL

HALL  
+15.660

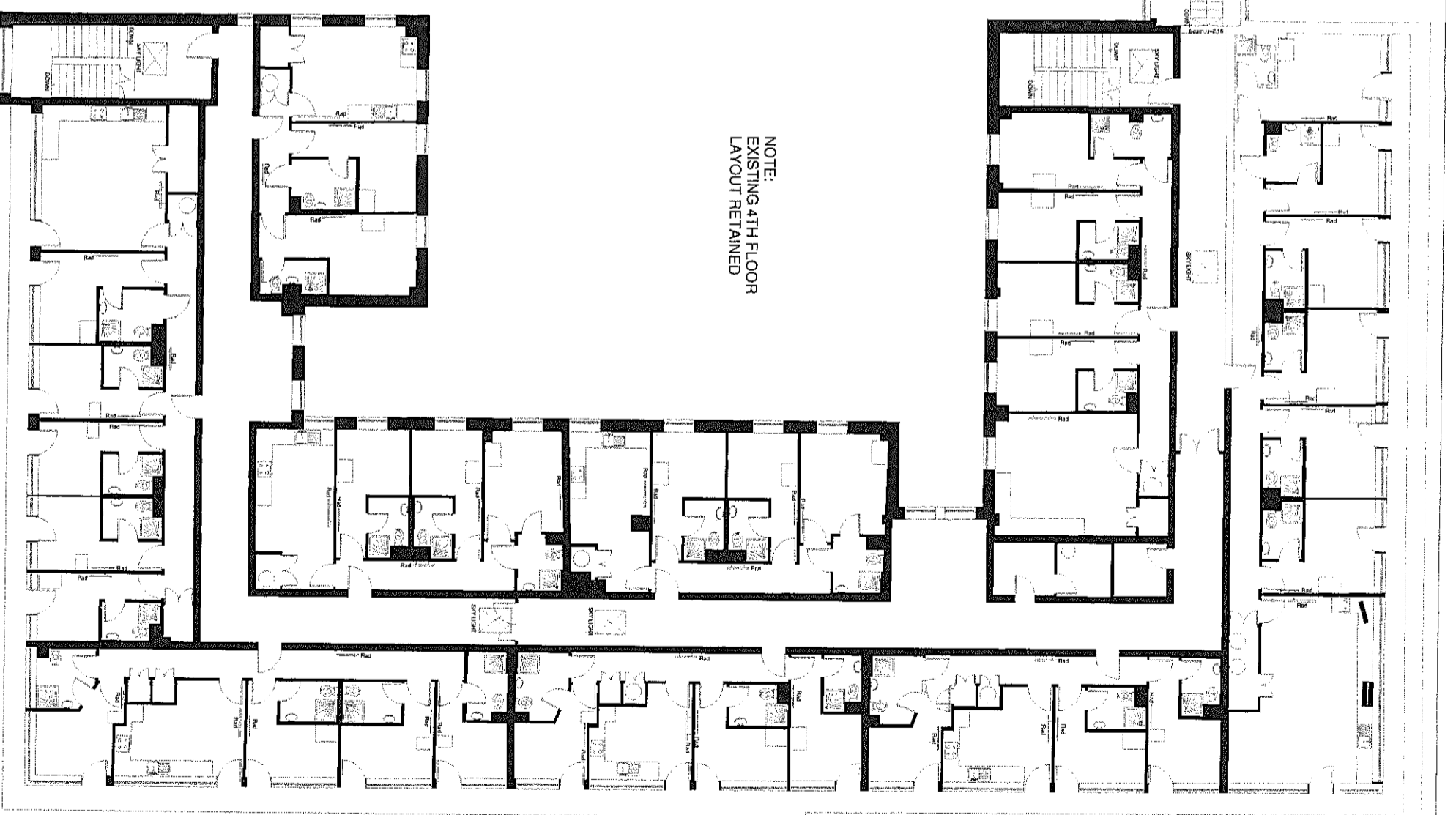
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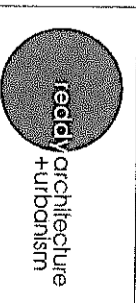
1 4th Floor Plan\_Planning- As Granted (Ref.No.16/37131)  
1 : 100@A1

NOTE:  
EXISTING 4TH FLOOR  
LAYOUT RETAINED



2 4th Floor Plan\_Existing/ Unchanged  
1 : 100@A1

NOTE:  
DO NOT SCALE FROM THIS DRAWING. USE DIMENSIONS SHOWN.  
OWNER'S VERIFY DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO  
CONSULTANT IMMEDIATELY. THIS DRAWING TO BE READ IN  
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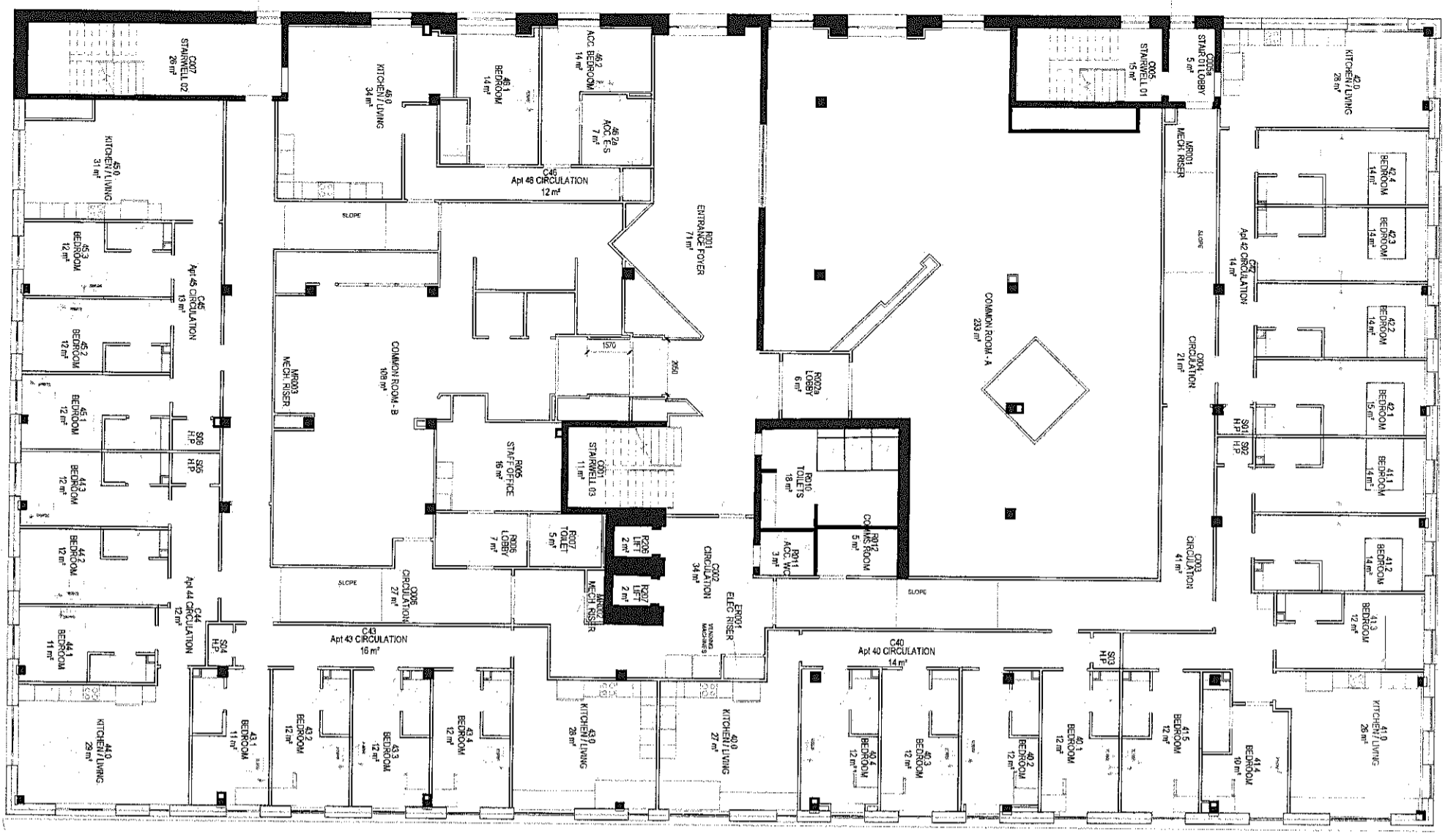
redbyarchitecture  
+urbanism  
100A, Robinson Road, Singapore  
Tel: +65 921 83922  
www.redbyarchitecture.com  
E: info@redbyarchitecture.com

Client: Hatch Copley Ltd.  
Project: Student Accommodation at Copley Court  
Copy/Steel Cxk

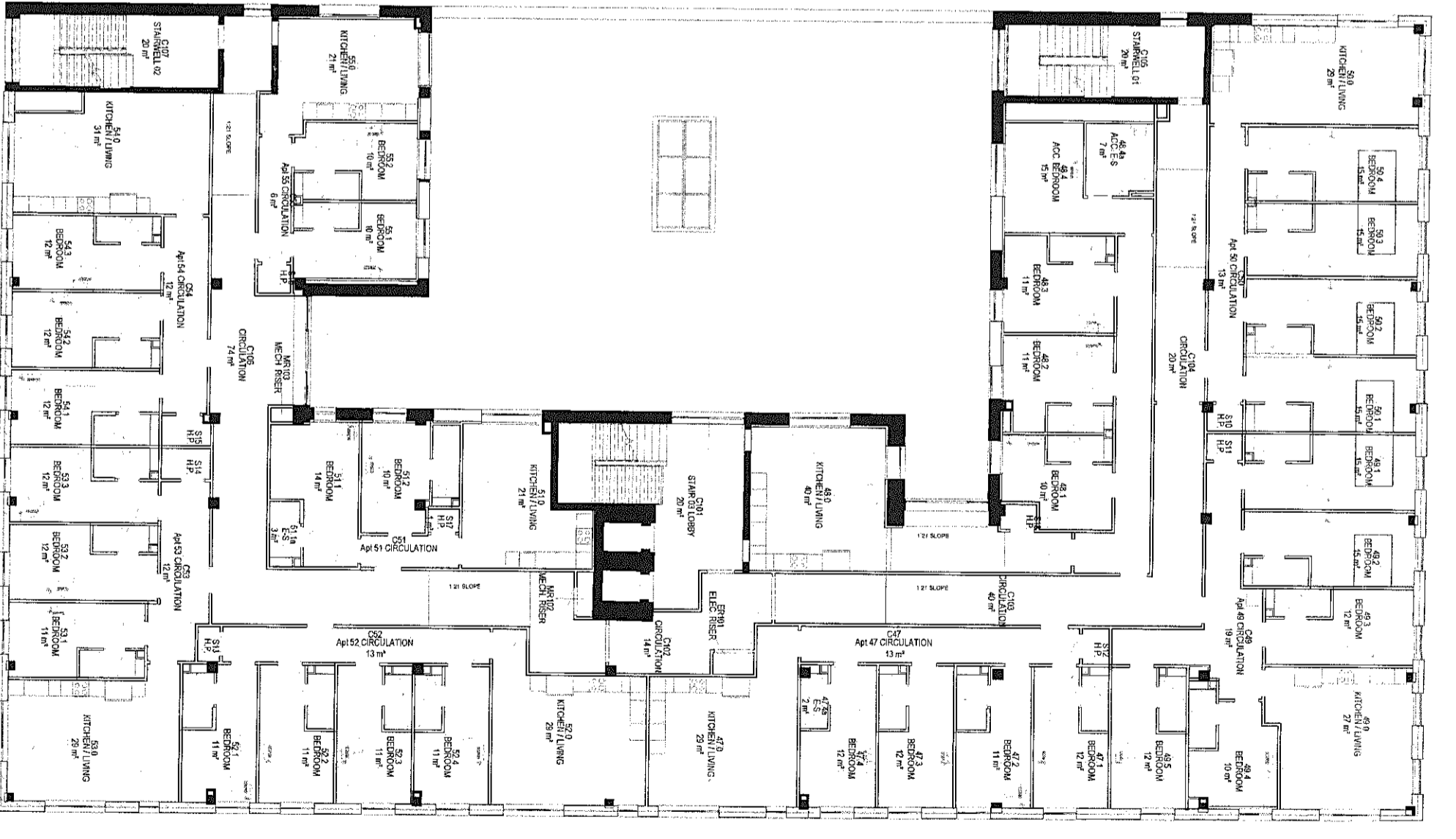
Drawing Title: Part 3 Application, 4th Floor Plans

Job No	Date	Scale@A1
P17-332C	20/11/2020	1 : 100
Site	Drawn By	EMC
AS-BUILT	Checked By	PH
8.0 Construction	Drawn/Checked	PH
P17-332C-PAU-02-XX-DR-A-91101		

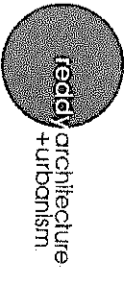
NOTE: DO NOT SCALE FROM THE DRAWING. USE DIMENSIONS AND NOTES. CASES, VENT, DOORS, SINKS, STOVE AND REFRIG. ANY DISCREPANCY TO THE ARCHITECT'S INTENT SHALL BE THE ARCHITECT'S RESPONSIBILITY. THE ARCHITECT'S INTENT SHALL BE THE ARCHITECT'S RESPONSIBILITY. THE ARCHITECT'S INTENT SHALL BE THE ARCHITECT'S RESPONSIBILITY.



1 L00 Ground Floor Plan As Constructed  
1 : 100



2 L01 1st Floor Plan As Constructed  
1 : 100



reddy architecture  
+ urbanism  
183/184 Victoria Road  
Cambridge Rd, Dunedin  
03 477 8888  
www.reddyarchitecture.com  
e: info@reddyarchitecture.com

HATCH COPELY LTD.  
Project Title: Student Accommodation at Copely Court  
Copely Street, Otago

Ground & First Floor Plans - As Constructed

Project No.	P17-332C	Date	2019/10/11
Client	AS BULL T	Drawn By	EMC
Scale	1:100	Checked By	PM
Project	6.0 Construction	Drawn	
Drawing Title	P17-332C-RAU-02-XX-DR-A-91102	Revision	



# Comhairle Cathrach Chorcaí Cork City Council

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

Paul Mulligan  
Reddy A+U  
Douglas Business Centre  
Carrigaline Road  
Douglas  
Cork

28/01/2018

## RE: Section 5 R496/18 9/10 Copley Street

Dear Sir/Madam,

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

Further Information is requested as follows:

1. Please submit a full set of 'as constructed' drawings including floor plans in order that the Planning Authority can establish how all of the elevational changes relate to the constructed internal floor plans. Please note that the 'as built' fourth floor elevation (south internal courtyard) does not appear to match the as constructed fourth floor layout in terms of windows.
2. Please clarify whether the non provision of the glass roof garden balustrade proposed under the response to the Further Information request (Item 3) of T.P 16/37131 will still allow for the use of the roof area as an amenity space (in terms of building regulation requirements) and whether it is intended to provide a roof garden in this location as per the Landscape Plan submitted under T.P. 16/37131. Please clarify whether the existing parapet meets health and safety/building regulations in terms of the operational use of the space as a roof garden.

Yours Faithfully,

**Paul Hartnett**  
Assistant Staff Officer  
Strategic Planning & Economic  
Development  
Cork City Council



We are Cork.

## SECTION 5 DECLARATION – PLANNER’S REPORT

**File Reference:** R 496/18

**Question:** *‘Whether the retention of parts of the original elevations and floor plan into the overall design (with minor modifications to same) is considered exempted development under the Planning Act and are in substantial accordance with the planning permission granted under planning ref: 16/37131.’*

**Applicant:** Hatch Copley Ltd.,

**Location:** Copley St, Cork.

---

### 1. 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.

### 2. SITE LOCATION

The site is located on the southern side of Copley Street and consists of 2 blocks – A and B. The site is bounded to the south and west by Stable Lane and to the east by Cotters Street.

The two blocks of accommodation formerly contained a mix of commercial (educational) uses and student apartments as permitted in 2002 (see planning history below). The UCC / CIT School of Architecture was housed over a number of floors within Block A, however the School recently re-located to a site within the South Presentation Convent grounds off Douglas Street. The blocks are currently being developed under permission T.P. 16/37131.

### 3. RELEVANT PLANNING POLICY/OBJECTIVES

The site is situated in an area zoned *ZO 2 City Centre Commercial Core Area* (Ref: Map 1, Volume 2 of the Cork City Development Plan, 2009) with the objective *‘to support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area (apart from comparison retail uses)’*.

Variation No 5 of the Development Plan (Student Accommodation) was adopted in July 2018 and sets out standards for the development of student apartments.

The site is located within Flood Risk Zone A.

### 4. SITE HISTORY

**T.P. 16/37131:** Permission granted for a change of use of the ground, first, second and third floors of 'Block A' from education (offices, studios, lecture rooms and exhibition space) to student accommodation, a wardens' apartment, reception area and resident's common areas at ground

floor; the reconfiguration of the existing student accommodation on the fourth floor to provide 7 no. accommodation units providing 29 no. bed spaces; and the change of use of the ground floor of Block B from offices to student accommodation (2 no. accommodation units providing 10 no. bed spaces) and the conversion of ancillary floor space to provide equipment and refuse storage, resident's bicycle storage and laundry

**TP 07/32155** Change of use of first, second and north section of third floor of existing office development permitted under applications No. T.P. 02/25985 and T.P. 02/26441 to an educational facility for the School of Architecture, for University College Cork. The development will consist of internal subdivision of floor areas to accommodate open plan studios, offices, lecture room, exhibition space and will also include the addition of advertising to Copley Street.

**TP 04/29135** Permission granted for variations and alterations to permitted mixed use development at No. 10 Copley Street bounded by Cotter Street and Stable Lane for which previous planning permission 02/25985 & 02/26441 were granted and consisting of total increased floor area of 1221 sq. m which includes 8 no. additional student housing apartments, extension to permitted commercial area of 29.3 sq. m, an additional shop unit of 60 sq. m and office / store of 118 sq. m and increased basement storage area of 148 sq. m. The proposal involves the demolition of an existing single storey workshop on Stable Lane.

**TP 04/29119** Permission granted for change of elevational treatment for mixed use development for which previous planning permission 02/25952 & 02/26441 were granted.

**TP 02/26441** Permission granted for elevational changes, raised pedestrian access layout from Copley Street, relocation of main office entry from Copley Street to internal courtyard area and partial change of use from 38 no. apartments to 29 no. student housing apartments.

**TP 02/25985** Permission granted to demolish building, erect new office building & 38 no. apts with ground floor commercial space & basement car park on site

## **5. RELEVANT LEGISLATION**

Section 2 (1) of Part 1 of the Planning and Development Act, 2000 (as amended) states as follows:-

*"In this Act, except where the context otherwise requires –*

*"development" has the meaning assigned to it by Section 3...*

*"structure" means any building, structure, excavation, or other thing constructed or made on, in or under 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 or 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....*

Section 3 (1) of Part 1 of the Planning and Development Act, 2000 as amended, states as follows:-  
*'In this Act, "development" means, except where the context otherwise requires, the carrying out of 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) of Part 1 of the Planning and Development Act, 2000 as amended sets out various forms and circumstances in which development is exempted development for the purposes of the Act.

Section 4(1)(h) of Part 1 of the Planning and Development Act, 2000 as amended states as follows:-  
*'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) of the of Part 1 of the Planning and Development Act, 2000 as amended 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.

Article 6 (1) of these Regulations states as follows:-

*'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 9 (1) of the Regulations sets out circumstances in which development to which Article 6 relates shall not be exempted development. Article 9 (1) states:-

*"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;*

*(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure the use of which is an unauthorised use.'*

## **6. SUB-THRESHOLD EIS**

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

## **7. 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. The applicant has submitted an A.A. Screening report which concludes that a Natura impact statement for the purposes of Article 6 of the Habitats Directive is not required to be submitted.



## 8. PLANNING ASSESSMENT

The alterations which are the subject of this Section 5 application all relate to Block A and are summarised as follows:

### To the west (internal courtyard) elevation –

- the retention of the existing terrace parapet;
- retention of a canopy roof;
- retention of existing ground floor windows and doors;
- new windows on the first second and third floors;
- the retention of existing windows on the fourth floor.

### To the internal courtyard (north and south elevations)

- The retention of existing fourth floor glazing;
- The retention of existing glazing on the ground first and second floor;
- Revised window sizes and locations to fit within existing window openings;

### To the fourth floor plan

- Retention of floorplan – i.e. non implementation of layout permitted under T.P. 16/37131

It appears that the developer has chosen not to implement permission T.P. 16/37131 in its entirety but to pick and choose between retaining some floorplans and elevations (as existing prior to the recent permission) and implementing parts of planning permission drawings. In terms of bedroom numbers the permitted layout proposed under T.P. 16/37131 allowed for 29 bedrooms while the existing (non-altered) layout contains 33 bedrooms on this floor. The central stairs and lift access proposed under T.P. 16/37131 have also not been constructed. This would contravene Condition 1 of the permitted development which states as follows:

*'The development shall be carried out in accordance with the plans and particulars submitted to the planning authority on 28/10/2016, as amended by the revised details submitted by way of additional information on 26/5/2017, except where otherwise altered or amended by conditions contained in this Schedule.'*

Clarification is required in relation to the other alterations proposed prior to the determination as to whether these also can be considered to be development and/or exempted development. These are outlined as follows:

- The non provision of the glazed balustrade to the first floor roof garden area would potentially impact the use of this amenity area in terms of privacy and possibly the actual use of this space in terms of health and safety – the provision of a roof garden area was done so under T.P. 16/37131 in direct response to Item 2 of the Further Information request noting concerns regarding the quality and quantity of public and private open space on site (P. 4 of FI response letter from IMG Planning dated 26 May 2017). It is not clear as to whether the retention of the lower parapet height in this location impacts the use of the space in health and safety terms – or indeed whether it is still intended to provide this roof garden area - this should be clarified. Since the decision, Variation 5 of the Cork City Development Plan (Student Accommodation) was adopted on 09.07.2018 which now sets out minimum standards for the provision of communal private open space per bed space. This Variation would be a material consideration in the assessment of the additional bedrooms proposed to be retained on the fourth floor and given the the possible loss of the first floor roof garden area.

- The design of the windows suggest that there have been other alterations or elements of T.P. 16/37131 not implemented – as not all of the floor plans have been submitted it is difficult to say this with certainty. This should be clarified and a full set of ‘as constructed’ drawings should be submitted.

## 9. CONCLUSION & RECOMMENDATION

It is recommended that Further Information be sought to obtain all the ‘as constructed’ floor plans to establish how they relate to the elevations and as to whether other internal alterations have been made. It is also recommended that Further Information be sought in relation the first floor roof garden area and as to whether this space can be provided used with the existing parapet rather than the guard rail proposed in the F.I. submission under T.P. 16/37131.

### FURTHER INFORMATION REQUEST

1. Please submit a full set of ‘as constructed’ drawings including floor plans in order that the Planning Authority can establish how all of the elevational changes relate to the constructed internal floor plans. Please note that the ‘as built’ fourth floor elevation (south internal courtyard) does not appear to match the as constructed fourth floor layout in terms of windows.
2. Please clarify whether the non provision of the glass roof garden balustrade proposed under the response to the Further Information request (Item 3) of T.P 16/37131 will still allow for the use of the roof area as an amenity space (in terms of building regulation requirements) and whether it is intended to provide a roof garden in this location as per the Landscape Plan submitted under T.P. 16/37131. Please clarify whether the existing parapet meets health and safety/building regulations in terms of the operational use of the space as a roof garden.



Evelyn Mitchell,  
Senior Executive Planner  
23/01/2019

**COMHAIRLE CATHRACH CHORCAÍ  
CORK CITY COUNCIL**

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

R-Phost/E-Mail [planning@corkcity.ie](mailto:planning@corkcity.ie)  
Fón/Tel: 021-4924564/4321  
Líonra/Web: [www.corkcity.ie](http://www.corkcity.ie)

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

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

9/10 Copley St., 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.

ARE THE RETENTION OF PARTS THE ORIGINAL ELEVATIONS & FLOOR PLAN INTO THE OVERALL DESIGN (WITH MINOR MODIFICATIONS TO SAME) CONSIDERED EXEMPTED DEVELOPMENT UNDER THE PLANNING ACT AND ARE IN SUBSTANTIAL ACCORDANCE WITH THE PLANNING PERMISSION GRANTED UNDER PLANNING REG. REF. NO. 16/37131.

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

(Use additional sheets if required).

PLEASE SEE ATTACHED LETTER AND DRAWINGS

### 3. APPLICATION DETAILS

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

(a) Floor area of existing/ <del>proposed</del> structure/s		BLOCK A = 6015sq.m BLOCK B = 641sq.m
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964, (including those for which planning permission has been obtained)?		Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas. (sq m) <u>N/A</u>
(c) If concerning a change of use of land and / or building(s), please state the following:		
Existing/ previous use (please circle)		Proposed/existing use (please circle)
<u>N/A</u>		<u>N/A</u>

### 4. APPLICANT/ CONTACT DETAILS

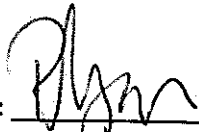
Name of applicant (principal, not agent):		HATCH COPLEY LIMITED	
Applicants Address			
Person/Agent acting on behalf of the Applicant (if any):	Name:	PAUL MULLIGAN, REDDY ARCHITECTURE	
	Address:	DOUGLAS BUSINESS CENTRE, OLD CARRIGALINE RD. CORK.	
	Telephone:	[REDACTED]	
	Fax:	[REDACTED]	
	E-mail address:	[REDACTED]	
Should all correspondence be sent to the above address: (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

### 5. LEGAL INTEREST

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

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

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



Date: \_\_\_\_\_

21/12/2018

.....

**ADVISORY NOTES:**

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

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

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

The application should be sent to the following address:

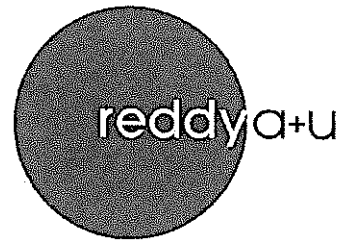
The Development Management Section, Strategic Planning & Economic Development  
Directorate, Cork City Council, City Hall, Anglesea Street, Cork.

- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued by the Planning Authority.

*The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations 2001 as amended.*

**DATA PROTECTION**

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



21<sup>st</sup> December 2018

Attention of:

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

Reddy Architecture + Urbanism  
Douglas Business Centre,  
Carrigaline Road, Douglas,  
Cork, T12 P088, Ireland.

T: +353 21 436 2922  
E: cork@reddyarchitecture.com

ARCHITECTURE  
INTERIOR DESIGN  
PLANNING  
PROJECT MANAGEMENT  
URBANISM

**RE: Application for a Section 5 Declaration Copley St. Student Housing Scheme, 9/10 Copley St. Cork**

Dear Sir/Madam,

On behalf of our clients Hatch Copley Ltd. we wish to apply for a Section 5 Declaration.

The works relate to the Copley St. Student Housing Complex. Planning Permission was granted for the conversion of a former retail unit (block A) and a large office building (block B) into Student apartments. (16/37131). These works are nearing completion on site in the new year.

As works progressed it was decided that certain permitted changes to elevations (listed below) were not required, and that certain existing elevations could be retained with minor modifications. These works are now complete as detailed below;

**Block A;**

- Retention of the existing internal floor plan at 4<sup>th</sup> floor level (no change to this floor)
- Retaining the Courtyard Elevations with minor window alterations (Not visible from the Public road)

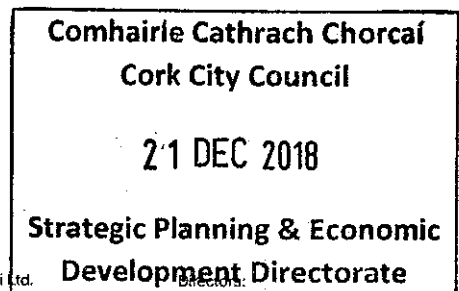
All other works to the building have been constructed in full compliance with the planning permission.

Therefore the specific question for which a declaration is sought is:

**Are the retention of parts the original elevations & floor plan into the overall design (with minor modifications to same) considered exempted development under the Planning Act and are in substantial accordance with the Planning Permission granted under Planning Reg. Ref No. 16/37131**

We enclose the following In support of this application;

1. Completed Section 5 Declaration Form
2. Ordnance Survey Map (identifying site location)
3. Site Layout Map



ISO 9001:2008 Certified

• Offices in:  
London, Dublin, Cork, Sligo,  
Kilkenny and Belfast.

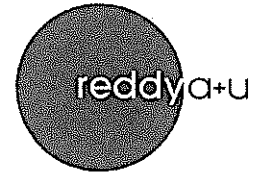
Associated Offices in:  
Abu Dhabi, Bucharest,  
Warsaw and Miami.

Reddy O'Riordan Staehli Ltd.  
Registered in Ireland, Reg. No. 386628.  
Registered Office: Schoolhouse Studio,  
Carrigaline Road, Douglas, Cork, Ireland.

Directors:  
Anthony Reddy, Chairman  
Aidan Healy, Sean Keams, Directors

Associates:  
Richard Booth, Pádraig Hyde, John Leane  
Paul Mulligan, Tom Phelan

Group Directors:  
Kosta Kapetangiannis, Rob Keane, Ronan Kelleher,  
Mark Kennedy, Terence McCaw.



4. Permitted Elevations granted under 16/37131 compared against As Constructed Elevations for;

Block A Courtyard Elevations  
Block A fourth Floor plan

5. €80.00 Fee

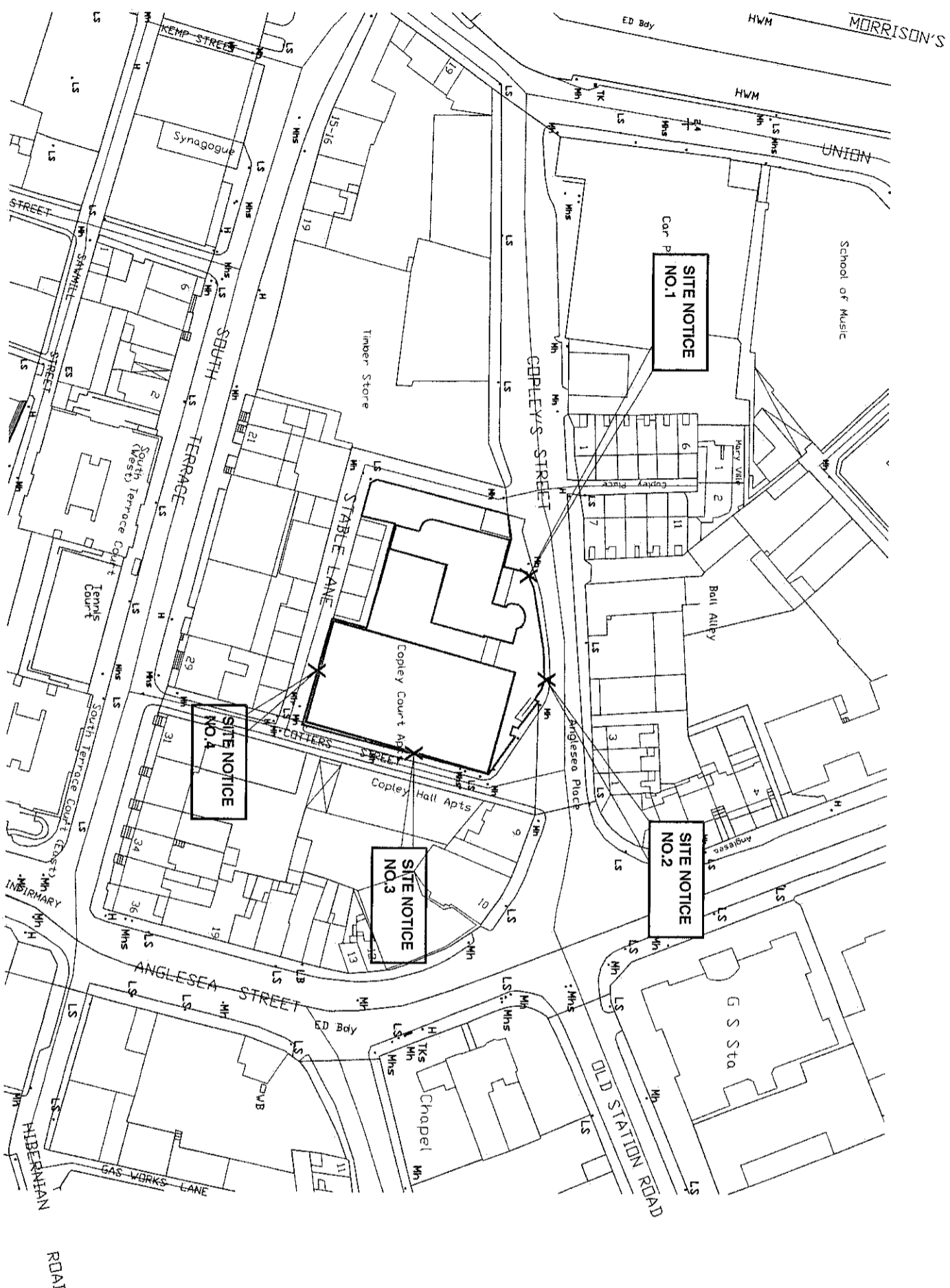
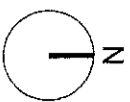
Yours Sincerely,

A handwritten signature in black ink, appearing to read "P. Mulligan".

Paul Mulligan MRIAI  
Associate Director  
**REDDY ARCHITECTURE + URBANISM Cork**







**NOTE**  
 ALL DIMENSIONS TO BE CHECKED ON SITE  
 NO DIMENSIONS TO BE SCALED FROM THIS DRAWING  
 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH  
 RELEVANT CONSULTANTS DRAWINGS  
 Note: Levels Shown Relate To O.S. MALIN

**SITE BOUNDARY** ———  
**EXTENT OF LAND OWNERSHIP** ———

**SITE AREA = 0.364 ha**

**Map Series:**  
 =====  
 1:1000

6383-11  
**REVISION DATE = 27-Mar-2015**  
**SURVEY DATE = 31-Dec-1973**  
**LEVELLED DATE = 31-Dec-1973**

6382-15  
**REVISION DATE = 27-Mar-2015**  
**SURVEY DATE = 31-Dec-1973**  
**LEVELLED DATE = 31-Dec-1973**

**Clip Extent:**  
 =====  
 LX.LLY = 567715.571410  
 LRY.LRY = 568047.571410  
 ULX.ULY = 567715.571656  
 URY.URY = 568047.571656

**Projection:**  
 =====  
 ITM

**ITM Centre Point Co-ordinate:**  
 =====  
 X,Y = 567881,571533

**Extraction Date:**  
 =====  
 22-Sep-2016

REV	DATE	DESCRIPTION	BY	CHK
A	2016-09-27	Issued for Planning	JB	JPT

# PLANNING

## HENRY J LYONS ARCHITECTS

16 Lawell's Quay, Cork, Ireland  
 T +353 (0)21 4222002 F +353 (0)21 4222003  
 hj@hlyons.com www.hlyons.com

**CLIENT**  
 Stephen Tarrant and Geroid Costello joint receivers  
 to specific assets of Kevin and Michael Corbett

**PROJECT**  
 9/10 COPLEY STREET  
 STUDENT ACCOMMODATION

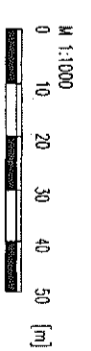
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<b>DATE:</b>	SEP 16
<b>SCALE:</b>	1:1000 @A2
<b>DRAWN:</b>	JPT
<b>CHECKED:</b>	JB
<b>FILE NAME:</b>	95-0207 P 0002 Site Location Plan

**DRAWING**  
 Site Location Map

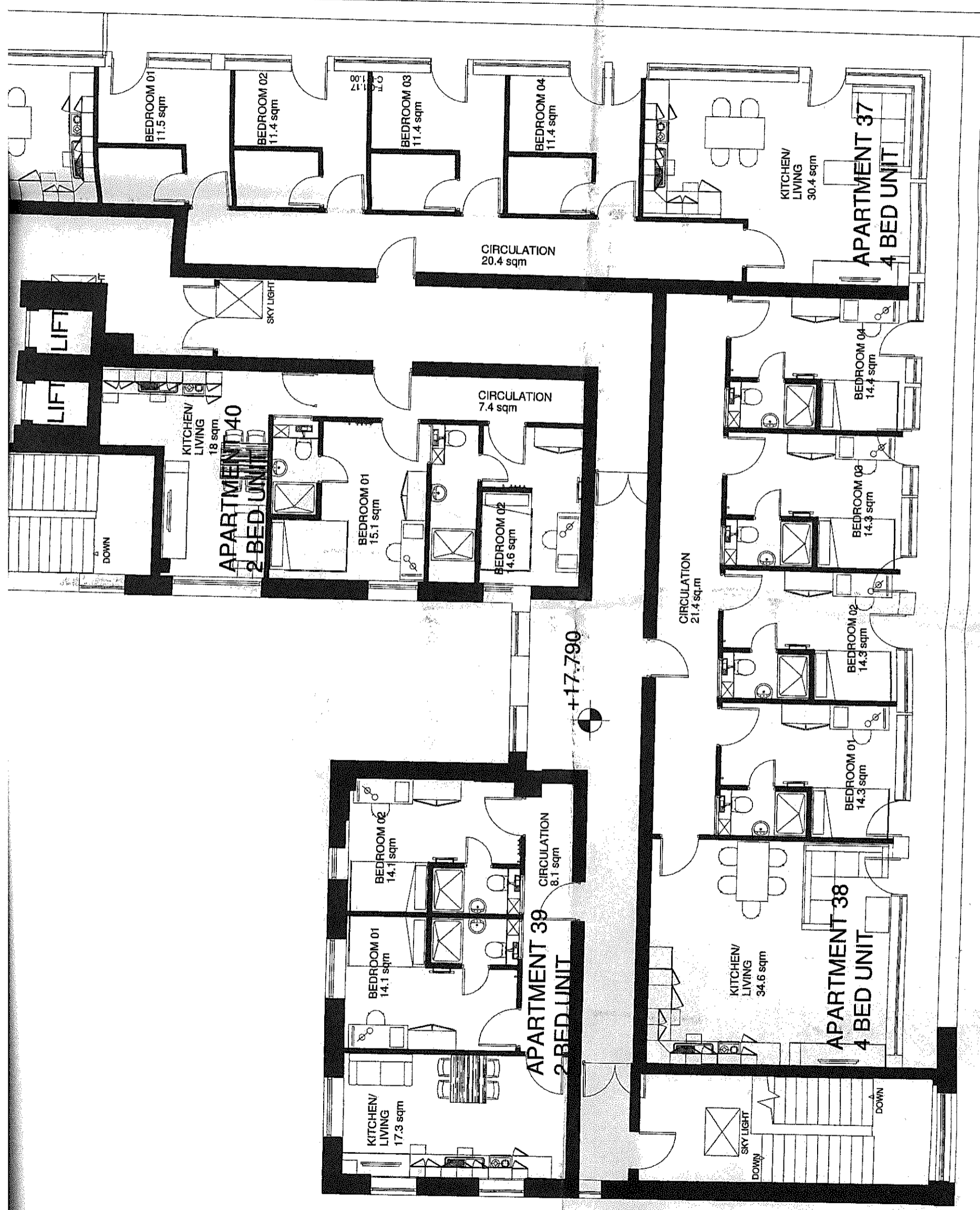
BLOCK	DRAWING NUMBER	Zone	REVISION
	P0002		A

# SITE LOCATION PLAN

Scale 1:1000



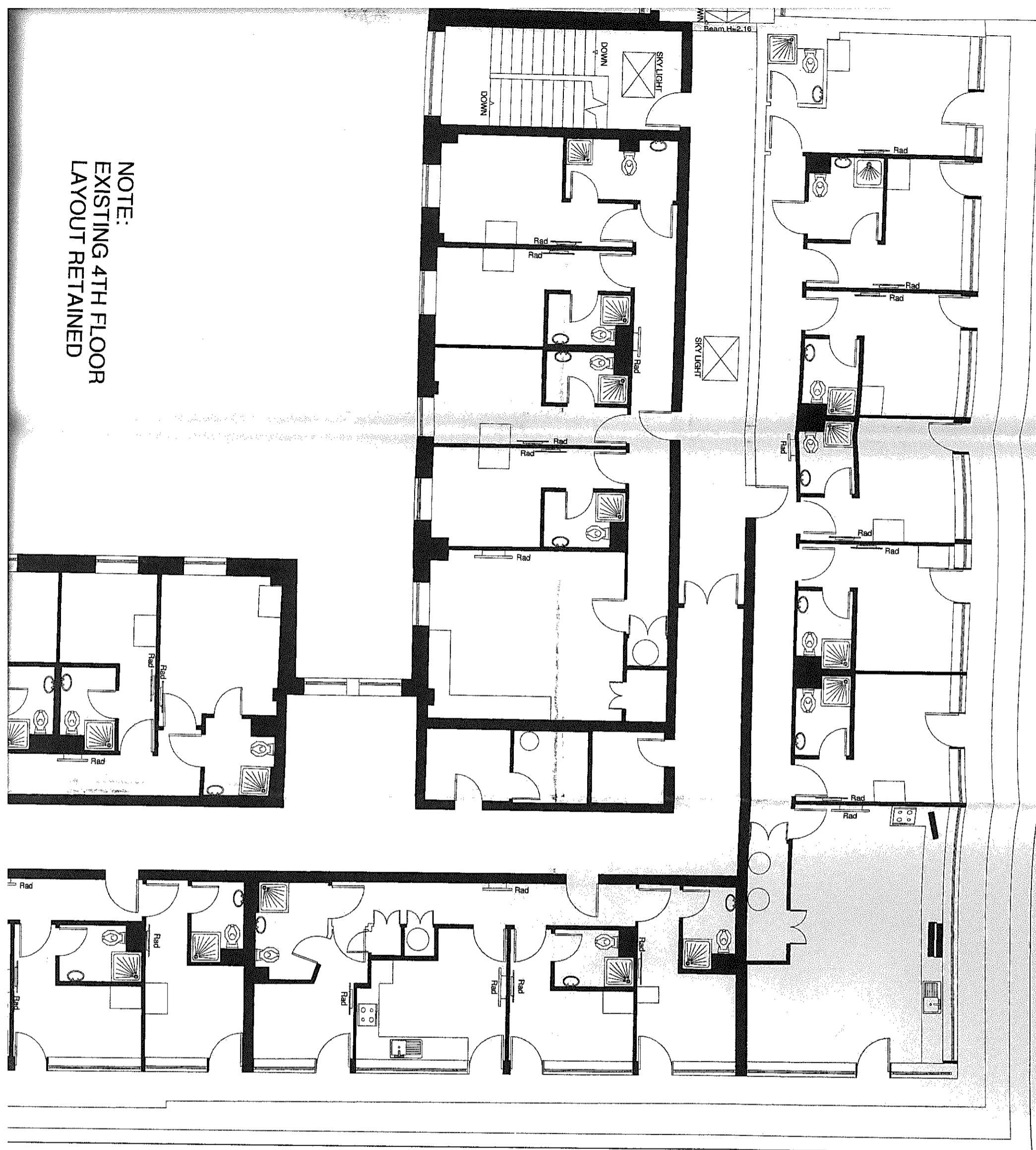




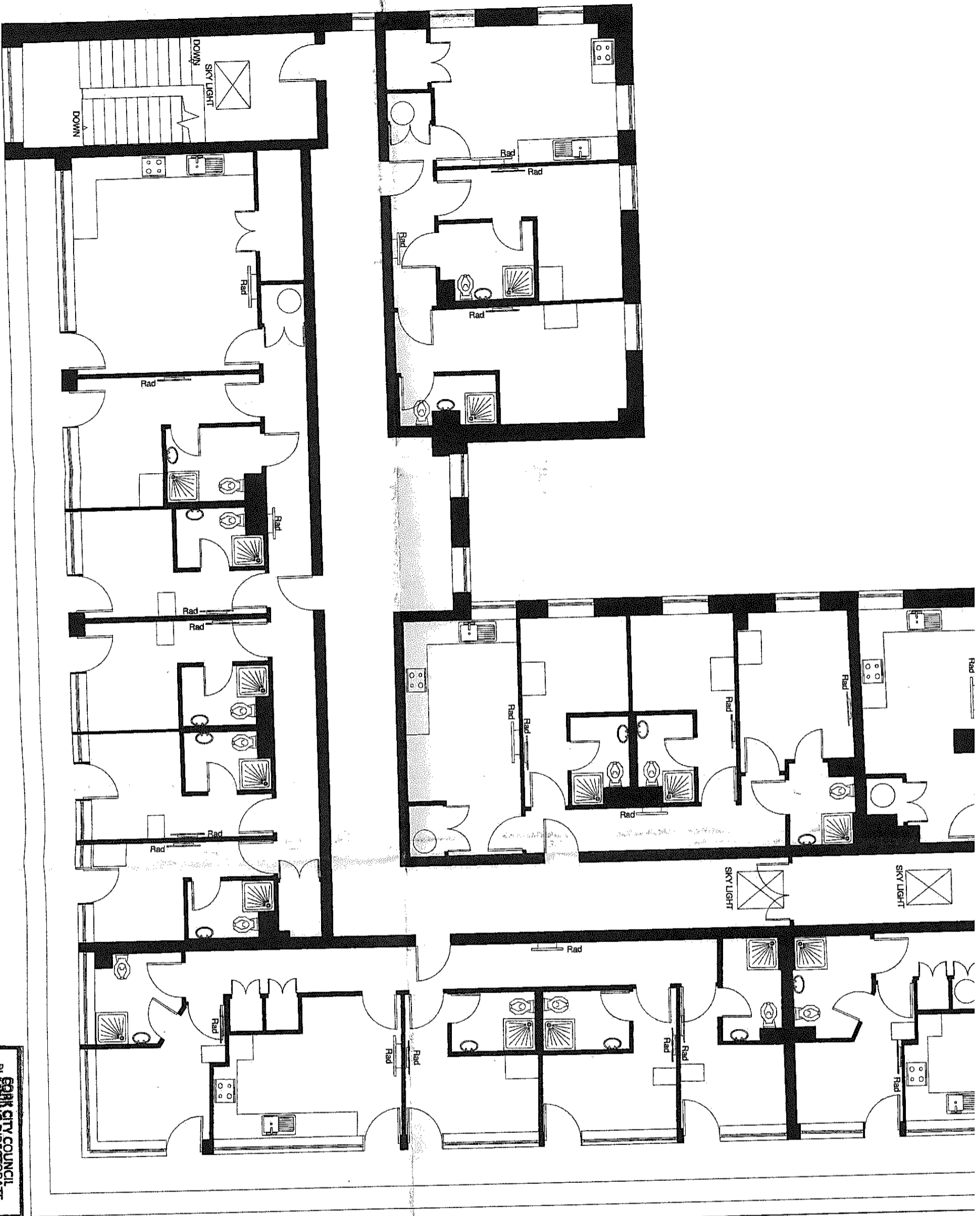
1 4th Floor Plan\_Planning- As Granted (Ref.No.16/37131)

1 : 100@A1

NOTE:  
EXISTING 4TH FLOOR  
LAYOUT RETAINED



Notes:  
DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS IN ALL CASES. VERIFY DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECTS IMMEDIATELY. THIS DRAWING TO BE READ IN CONJUNCTION WITH THE ARCHITECTS SPECIFICATION. © THIS DRAWING IS COPYRIGHT AND MAY ONLY BE REPRODUCED WITH THE ARCHITECTS PERMISSION.  
Drawing Notes:

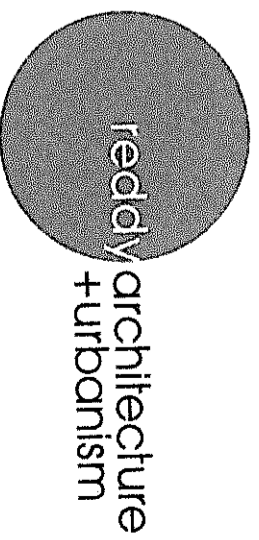


4th Floor Plan\_ Existing/ Unchanged

2  
1 : 100@A1

CORK CITY COUNCIL  
PLANNING DIRECTORATE  
21 DEC 2018  
Ref. No. ....

Rev	Date	DRN	Description



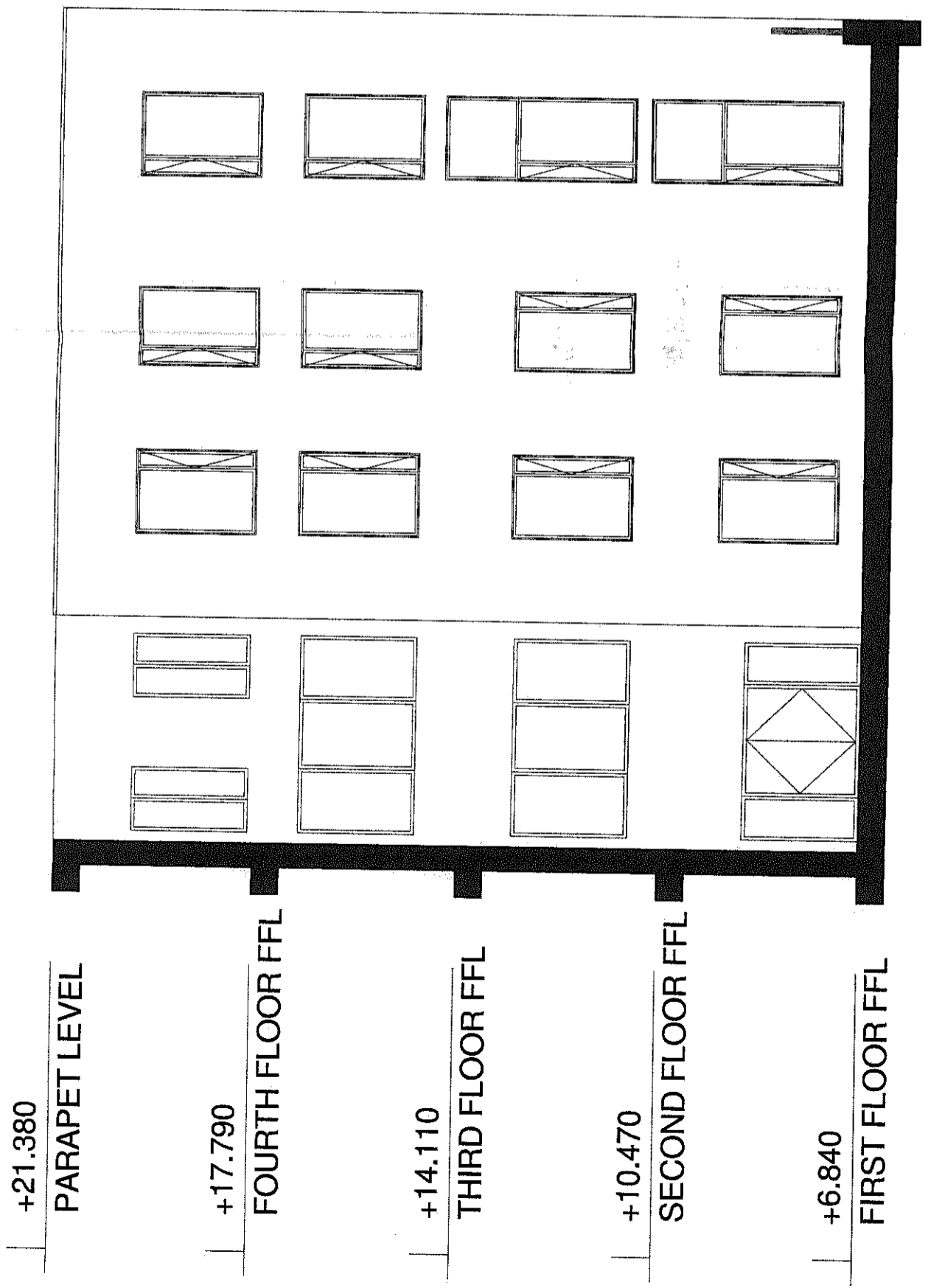
Reddy Architecture + Urbanism  
Carrigaline Rd, Douglas,  
Cork, T12 P088  
T: +353 (0)21 4362922  
W: www.reddyarchitecture.com  
E: info@reddyarchitecture.com

Client Details:  
HATCH COPLEY LTD.

Project Details:  
Student Accommodation at Copley Court  
Copley Street, Cork

Drawing Title:  
Part 5 Application\_ 4th Floor Plans

Job No	Date	Scale@A1
P17-332C	2018/12/20	1 : 100
Status	Drawn By:	Checked By:
AS-BUILT	EMC	PM
Purpose	Revision	
8.0 Construction		
Drawing Number		
P17-332C-RAU-02-XX-DR-A-91101		



1 Internal Courtyard\_North Elevation - Granted Planning (Ref.No.16/37131)  
1 : 100

FFL 21.370 Parapet

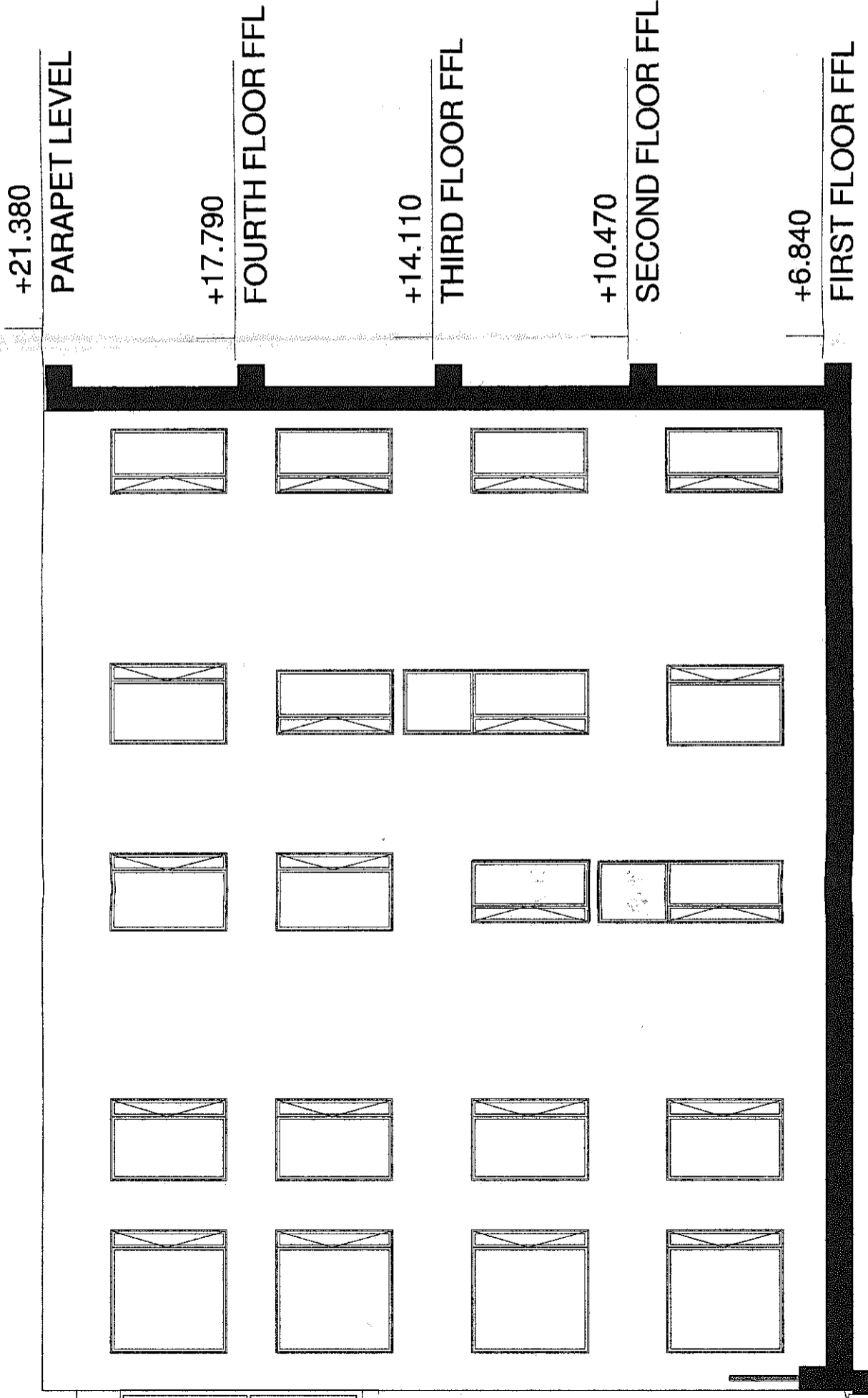
Notes:

DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS IN ALL CASES. VERIFY DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECTS IMMEDIATELY. THIS DRAWING TO BE READ IN CONJUNCTION WITH THE ARCHITECTS SPECIFICATION. © THIS DRAWING IS COPYRIGHT AND MAY ONLY BE REPRODUCED WITH THE ARCHITECTS PERMISSION.

Drawing Notes:

Elevation Key Notes:

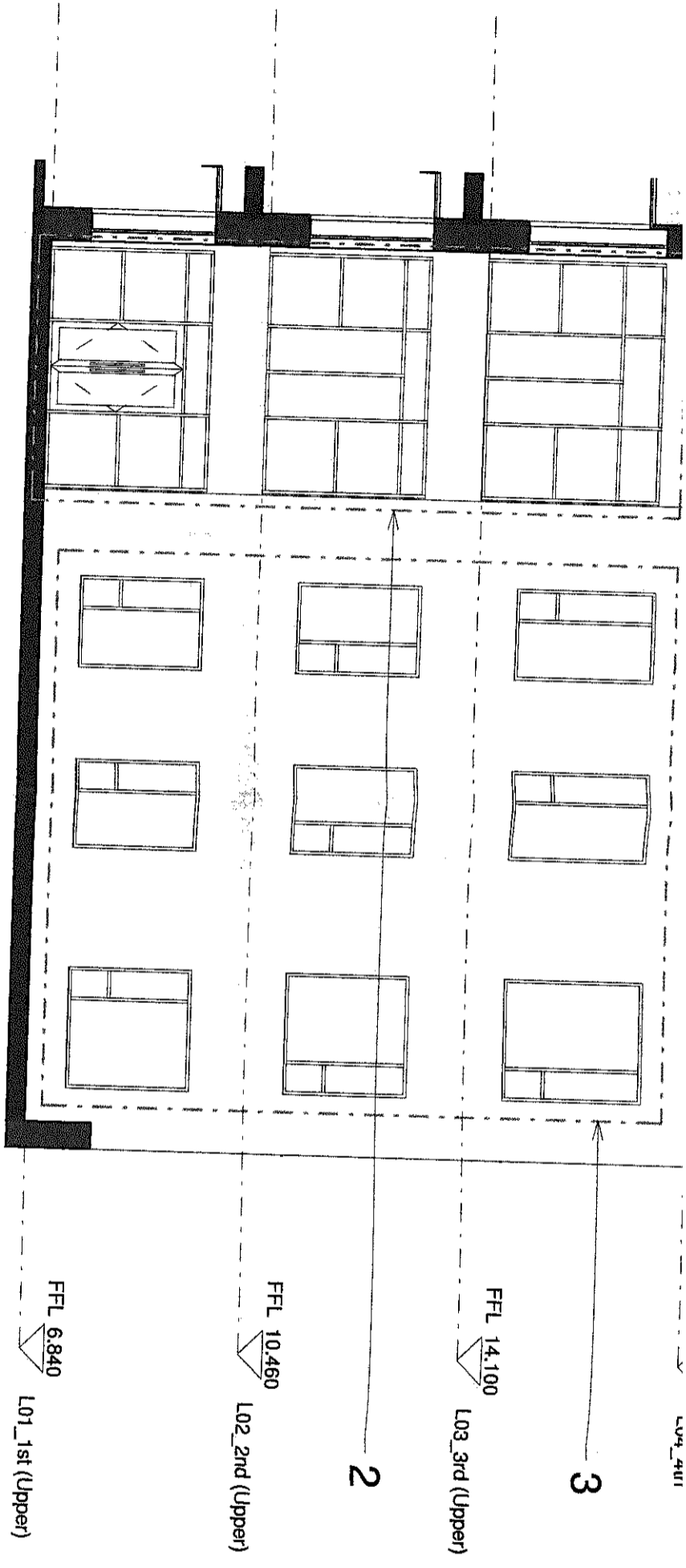
- 1. 4th Floor Windows retained
- 2. Existing Glazing retained
- 3. Revised Window sizes & locations to fit within existing window openings



Internal Courtyard\_South Elevation\_Granted Planning (Ref.No.16/37131)

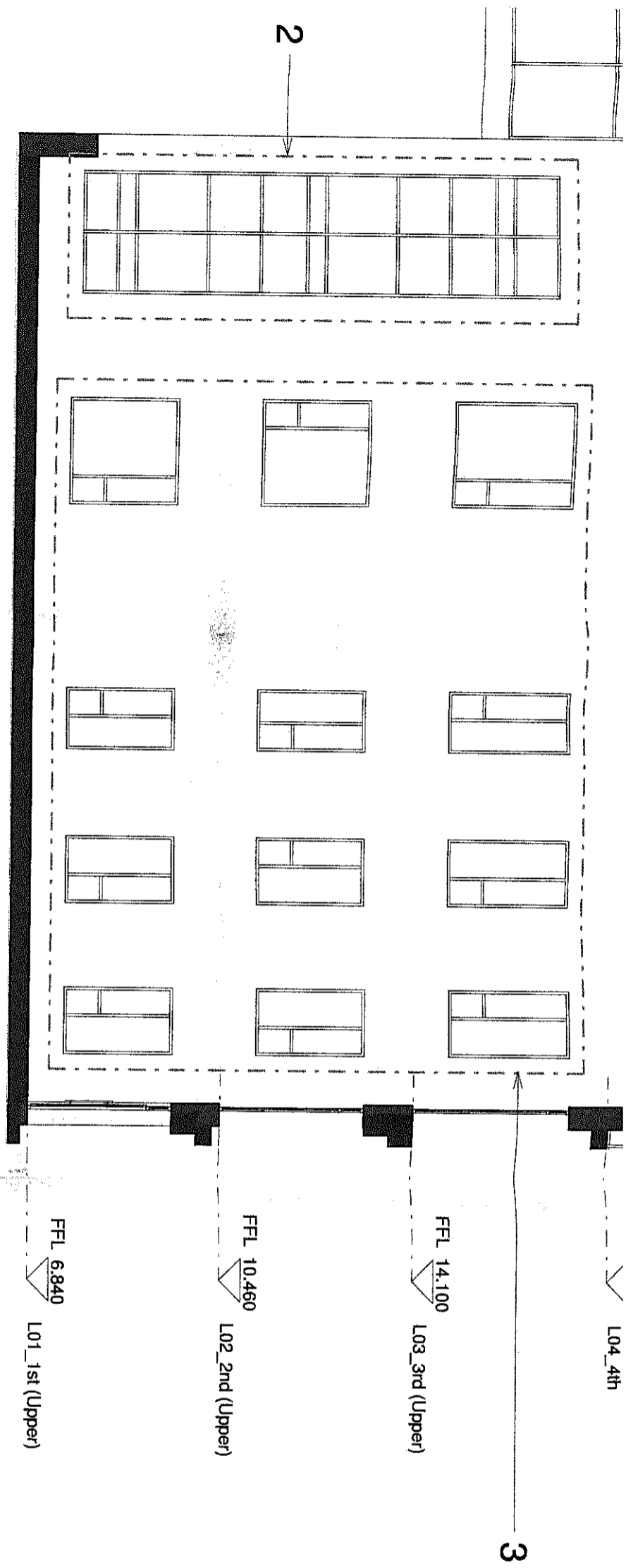
1 : 100

FFL 21.370 Parapet



② Internal Courtyard North Elevation As-Built  
1 : 100

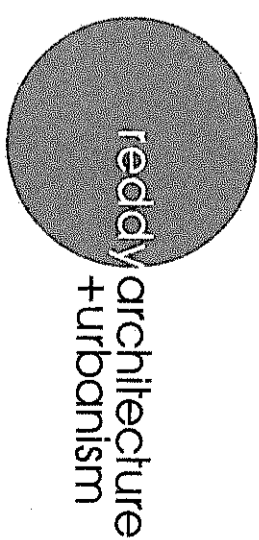




4 Internal Courtyard South Elevation As-Built  
1 : 100

**CORK CITY COUNCIL**  
PLANNING & BUILDING  
21 DEC 2018  
REF. NO. ....

Rev	Date	DRN	Description



Reddy Architecture + Urbanism  
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Cork, T12 P088  
T: +353 (0)21 4362922  
W: www.reddyarchitecture.com  
E: info@reddyarchitecture.com

Client Details:  
HATCH COPLEY LTD.

Project Details:  
Student Accommodation at Copley Court  
Copley Street, Cork

Drawing Title:  
Part 5 Application\_Courtyard Elevation

Job No	P17-332C	Date	2018/12/20	Scale	A1
Status	AS-BUILT	Drawn By:	EMC	Checked By:	PM
Purpose	8.0 Construction	Drawing Number	P17-332C-RAU-02-XX-DR-A-92102	Revised	