

# Comhairle Cathrach Chorcaí Cork City Council

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

Dan Howard  
46 South Mall  
Cork

13/02/19

## RE: Section 5 R500/19 46 South Mall

Dear Sir/Madam,

With regard to your request for a section 5 Declaration at the above named property.

Having regard to —

- *Article 10 (6)* of the Planning and Development Regulations 2001 (as amended),

It is considered that proposed *conversion of vacant overhead commercial offices at 4<sup>th</sup> and 5<sup>th</sup> Floors (2 uppermost floors) of 46 South Mall* is **Development** and is **Exempted Development**.

Yours Faithfully,

---

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



**We are Cork.**

<b>PLANNER'S REPORT</b> <b>Ref. R500 /19</b>		<b>Cork City Council</b> Development Management Strategic Planning and Economic Development
<b>Application type</b>	Section 5 Declaration	
<b>Description</b>	<i>Whether the conversion of vacant overhead commercial offices at 4<sup>th</sup> and 5<sup>th</sup> Floors (2 uppermost floors) of 46 South Mall is exempted development as per Planning and Development Regulations 2018 (Amendment No. 2).</i>	
<b>Location</b>	46 South Mall	
<b>Applicant</b>	Dan Howard	
<b>Date</b>	12/03/2019	
<b>Recommendation</b>	<i>Is Development and Is Exempted Development</i>	

To be read in conjunction with previous report dated 12/02/2019 which requested the following further information:

### 1. The following Further Information was requested:

1. You are requested to submit details confirming that the proposed structures, namely being Floors 3 and 4 of 46 South Mall, have been in prior use as either:- a shop; for the provision of financial/professional or other uses (including use as a betting shop but excluding use as a health or medical service); an office; or as a residential club/guest house or hostel (other than a hostel where care is provided).
2. It is noted that a number of floors within the building appear to be in current use as offices but access was not possible. Please contact Mary Doyle (Executive Planner) at [mary\\_doyle@corkcity.ie](mailto:mary_doyle@corkcity.ie) to arrange internal access to determine the current uses.
3. It appears that the structure or part thereof (namely floors 3 and 4) may have been in active use in the last 2 years. You are requested to submit details that the structure in question (both Floor 3 and Floor 4 (the 2<sup>nd</sup> and 3<sup>rd</sup> storey) have been vacant for the past 2 years (immediately prior to proposing the change of use to residential).
4. You are requested to submit floor plans of the proposed residential use demonstrating that it fully complies with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the Act.
5. You are requested to submit details showing that rooms for use, or intended for use, as habitable rooms have adequate natural lighting.

### 2. Response from Applicant:

The applicant submitted details received on the 07/03/2019 showing when the property was purchased and also that Network previously occupied the 4<sup>th</sup> floor before moving one floor below to their current position. From the site inspection the occupancy has been confirmed as follows:

- Floor 1: (Ground Floor): Estate Agents
- Floor 2: (1<sup>st</sup> Floor): Travel Agents
- Floor 3: (2<sup>nd</sup> Floor): Network
- Floor 4: (3<sup>rd</sup> Floor): Vacant and being converted
- Floor 5: (4<sup>th</sup> Floor): Vacant and being converted.

Details have been submitted that the habitable rooms have natural light; and all rooms meet or exceed the space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments – guidelines for Planning Authorities” bar the bedroom widths which are 0.1 and 0.2sq.m under respectively. Given that this is refurbishment, I consider that the room sizes and details are appropriate.

### 3. Conclusion

The question has been asked whether *the conversion of vacant overhead commercial offices at 4<sup>th</sup> and 5<sup>th</sup> Floors (2 uppermost floors) of 46 South Mall is exempted development as per Planning and Development Regulations 2018 (Amendment No. 2).*

Having considered the particulars submitted with the application and the relevant legislation as set out above, it is considered that the proposed change of use and altered layout is development and is exempted development.

### 4. RECOMMENDATION

In view of the above and having regard to —

- *Article 10 (6) of the Planning and Development Regulations 2001 (as amended),*

It is considered that proposed *conversion of vacant overhead commercial offices at 4<sup>th</sup> and 5<sup>th</sup> Floors (2 uppermost floors) of 46 South Mall is Development and is Exempted Development.*

  
\_\_\_\_\_  
Mary Doyle  
Executive Planner

*E. Mitchell 27.03.2019.*  
(SEP)

Ref: Section 5 R500/19 46 South Mall

06/03/2019



Dear Ms Doyle.

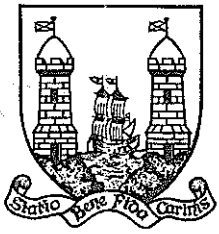
Further to your letter dated 13<sup>th</sup> February 2019 and your request for clarification please find responses listed numerically as requested,

1. Confirmation floors 3 & 4 prior use as offices see letter from previous owner and occupant of floor 3, Pat Beechinor of Network Personnel, confirming prior office use. (item 1)
2. Scheduled site visit on Wednesday 6<sup>th</sup> March 2019 completed.
3. I purchased the property with vacant possession in 2016 and can confirm floor 3 & 4 have been vacant since. See enclosed copy of stamp certificate dated 18/05/2016 (item 2). In addition, I sought a vacancy waiver form your rates department see enclosed email and letter confirming same was granted (item 3).
4. Floorplans enclosed as requested (item 4)
5. See enclosed document with 2 no. Photos of proposed bedroom 1 & 2 showing windows which will provide natural light (item 5)

I trust this is in order should anything further be required please don't hesitate to contact me.

Kind regards

Dan Howard



# Comhairle Cathrach Chorcaí Cork City Council

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

Dan Howard  
46 South Mall  
Cork

13/02/19

## RE: Section 5 R500/19 46 South Mall

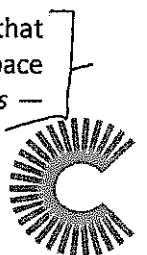
Dear Sir/Madam,

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:

Article 10 (6) of the Planning and Development Regulations 2001 – 2018 (as amended), it is recommended that the following further information be sought:

1. You are requested to submit details confirming that the proposed structures, namely being Floors 3 and 4 of 46 South Mall, have been in prior use as either:- a shop; for the provision of financial/professional or other uses (including use as a betting shop but excluding use as a health or medical service); an office; or as a residential club/guest house or hostel (other than a hostel where care is provided).
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4. You are requested to submit floor plans of the proposed residential use demonstrating that it fully complies with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" issued under section 28 of the Act. }



We are Cork.

## Network Personnel Consultants.

(Registered trading name of Network Personnel Consultants Ireland Ltd)  
46 South Mall, Cork.  
tel 021 427 65 51,  
fax 021 427 47 57

Dan Howard  
46 South Mall  
Cork

1<sup>st</sup> March 2019

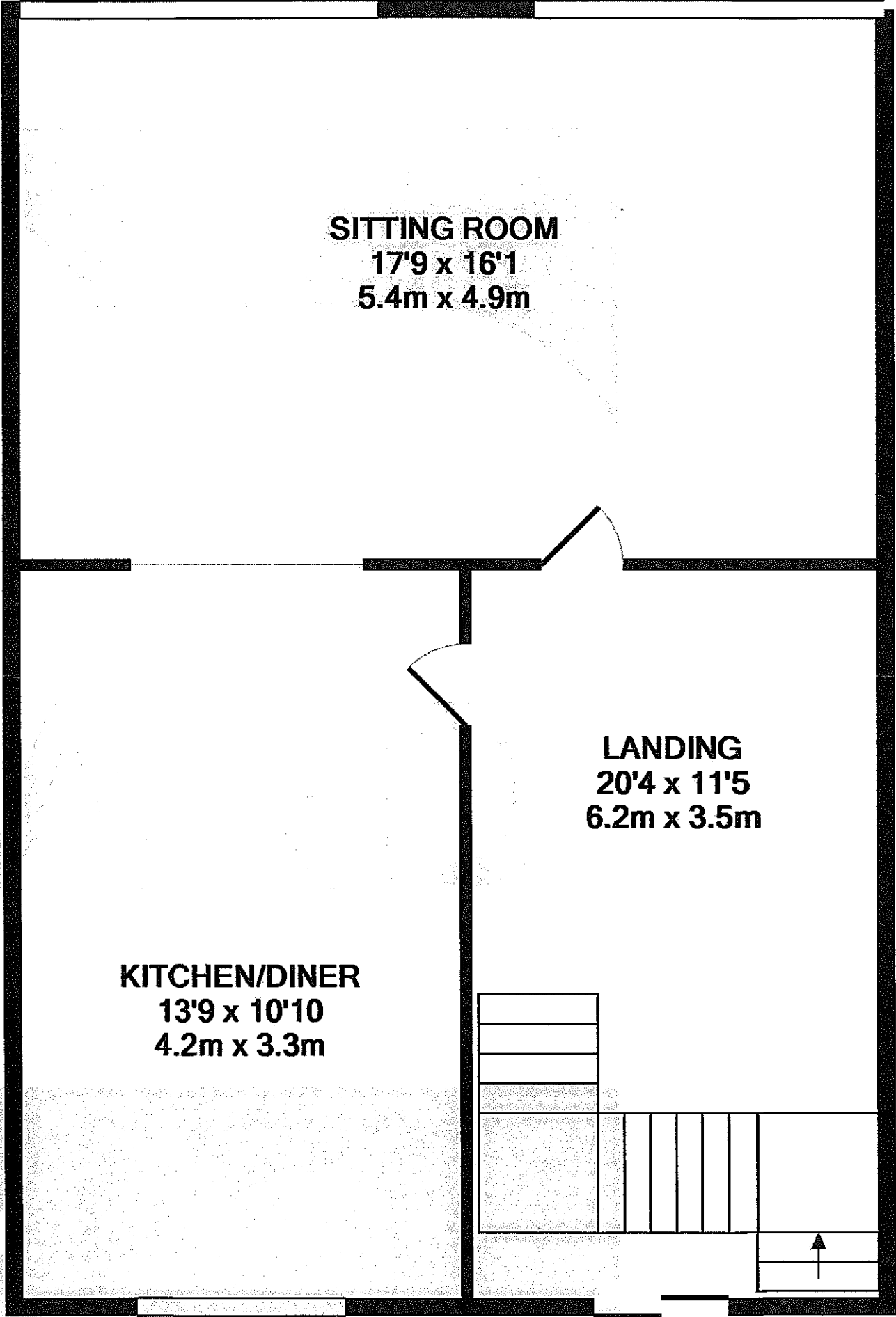
Dear Dan,

As per conversation I can confirm that Network used the 3<sup>rd</sup> floor of 46 South Mall as its office prior to the sale of the building to you in 2016. The legal firm, Denis Healy & Co, occupied the 4<sup>th</sup> floor,

Yours sincerely,



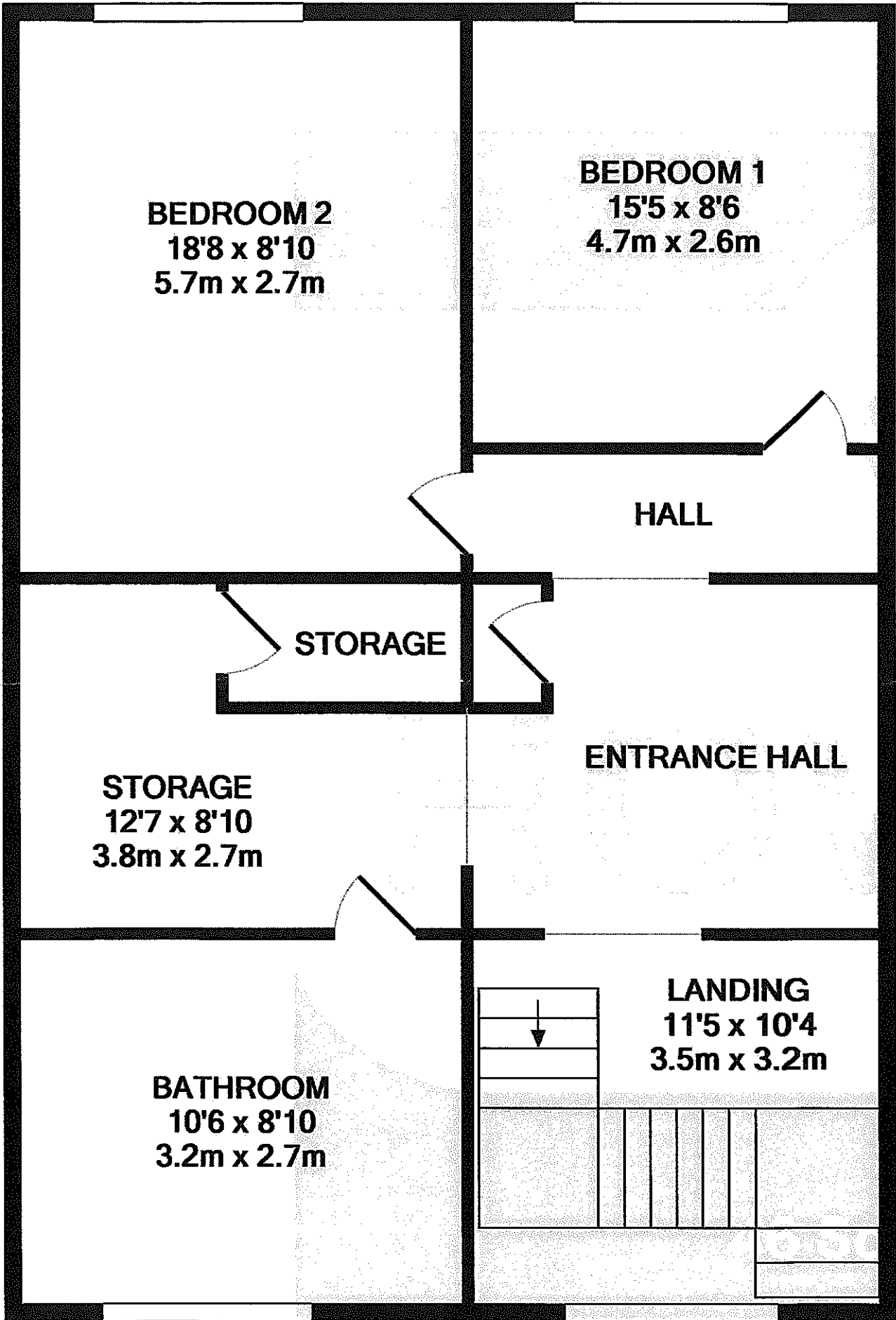
Pat Beechinor



**SITTING ROOM**  
17'9 x 16'1  
5.4m x 4.9m

**LANDING**  
20'4 x 11'5  
6.2m x 3.5m

**KITCHEN/DINER**  
13'9 x 10'10  
4.2m x 3.3m

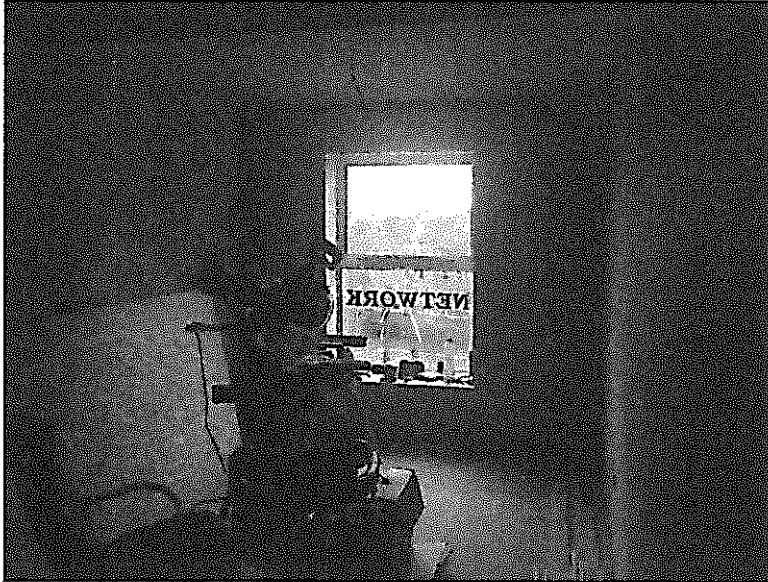


3RD FLOOR

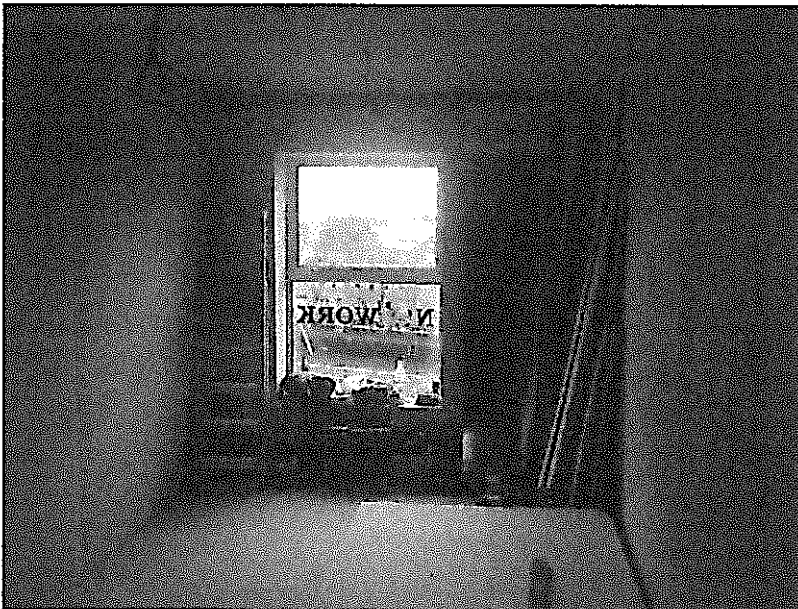




Proposed Bedroom 1 & 2 showing window for natural light.



BEDROOM 1



Bedroom 2



# Comhairle Cathrach Chorcaí Cork City Council

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Dan Howard  
46 South Mall  
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13/02/19

## RE: Section 5 R500/19 46 South Mall

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4. You are requested to submit floor plans of the proposed residential use demonstrating that it fully complies with the minimum floor area requirements and minimum storage space requirements of the *"Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities"* issued under section 28 of the Act.



We are Cork.

5. You are requested to submit details showing that rooms for use, or intended for use, as habitable rooms have adequate natural lighting.

Yours Faithfully,



---

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

<b>PLANNER'S REPORT</b> <b>Ref. R500/19</b>		<b>Cork City Council</b> Development Management Strategic Planning and Economic Development
<b>Application type</b>	Section 5 Declaration	
<b>Description</b>	<i>Whether the conversion of vacant overhead commercial offices at Floor 3 and 4 of 46 South Mall is exempted development as per Planning and Development Regulations 2018 (Amendment No. 2)</i>	
<b>Location</b>	46 South Mall	
<b>Applicant</b>	Dan Howard	
<b>Date</b>	12/02/2019	
<b>Recommendation</b>	Request Further Information	

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

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

In framing the question to the planning authority, the applicant states in Q2 of the application form:

*Is the conversion of vacant overhead commercial offices at Floor 3 and 4 of 46 South Mall exempted development as per Planning and Development Regulations 2018 (Amendment No. 2)?*

### 3. Site Description

The property in question is a 5 storey mid terrace unit with an estate agent occupying the ground floor and a travel agent operating at the first floor. A mortgage advice office is advertised as being at 46a South Mall within this unit also. At the 2<sup>nd</sup> and 3<sup>rd</sup> floors, the windows have decals affixed to them with the word NETWORK written across them. Ceiling lights (strip lights) were on within the second floor.

### 4. Planning History

TP9568: Permission refused at No.s 46 & 47 for advertising signage.

TP10/34570: Temporary permission for a period of 3 years granted for Change of Use at ground floor from office/reception area to a florist.

E6994: Unauthorised change of use at ground floor.



Case closed.

## **5. Legislative Provisions**

### **5.1 The Act**

Section 2(1),

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

Section 3(1),

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

Section 4(2),

*Section 4(2) provides that the Minister may, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations 2001-2013.*

Section 5(1),

*(See section 1 of this report)*

Section 177U (9) (screening for appropriate assessment)

*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.*

### **5.2 The Regulations**

Article 10 (6)

*(a) In this sub-article—*

*“habitable room” means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;*

*“relevant period” means the period from the making of these Regulations until 31 December 2021.*

*(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3 or 6 of Part 4 to Schedule 1.*

*(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—*

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

*(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3 or 6, and*

*(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,*

then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

(d) (i) The development is commenced and completed during the relevant period.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall affect only the interior of the structure and shall not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing:

Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

(x) No development shall relate to any structure in any of the following areas:

(I) an area to which a special amenity area order relates;

(II) an area of special planning control;

(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

(xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency

*Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.*

*(e) (i) Where a person proposes to undertake development to which sub-paragraph (b) relates, then he or she shall accordingly notify the planning authority in whose functional area that the change of use concerned will occur in writing at least 2 weeks prior to the commencement of the proposed change of use and any related works.*

*(ii) Details of each notification under subparagraph (i), which shall include information on—*

*(I) the location of the structure, and*

*(II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority’s website.*

*(iii) During the years 2019, 2020, 2021 and 2022, each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii).*

## **6. ENVIRONMENTAL ASSESSMENT**

### **6.1 Screening for Environmental Impact Assessment**

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) 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 environmental impact statement is not required to be submitted.

### **6.2 Screening for Appropriate Assessment**

Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the *Habitats Directive*, the *Appropriate Assessment Guidelines for Planning Authorities 2009* (revised 2010) and the Act are noted. 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 the European sites referred to above. Accordingly it is considered that appropriate assessment is not required.

## **7. ASSESSMENT**

### **7.1 Development**

The first issue for consideration is whether or not the matter at hand is ‘development’.

‘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.

‘Works’ is defined in section 2(1) of the Act as ‘the carrying out of any works on, in, over, or under land’ including ‘any act or operation of construction, excavation, demolition, extension,

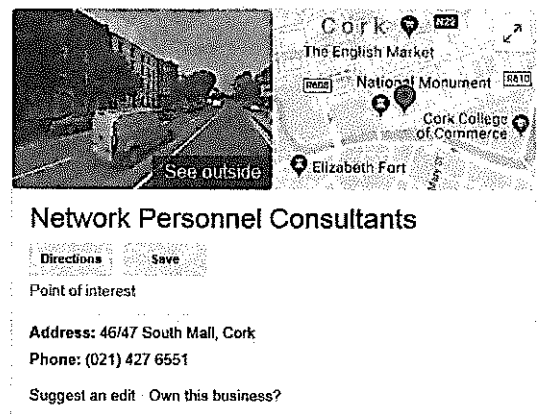
*alteration, repair or renewal, and in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure. ’*

Historically, planning permission for advertising signage was refused under TP9568 (no further details available). TP10/34570 arose from an enforcement case relating to the unauthorised change of use from office to retail. Therefore office use appears to have historically been established. The proposed change of use from office to residential is considered to be a material change in use and therefore constitutes development. Internal works are required to alter the office space to residential and therefore the proposal will require the carrying out of works in the structure including alterations. Based on this, the proposal also constitutes works.

## 7.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development. Whether the proposal to change the use from vacant office to residential to come within the new exemptions permitted such change of use namely Article 10 (6) of the Planning and Development regulations 2001 - 2018 (as amended). No drawings or floor plans have been submitted to determine same.

From the site inspection it was observed that there are active occupants at the ground floor (Floor 1) (estate agents), first storey (Floor 2) (travel agents), and at the second and third storeys (Floors 3 and 4) (Network Personnel Consultants). It was unclear as to whether there is an occupant at the 4<sup>th</sup> storey/Floor 5. The Network Personnel Consultants appear to be in operation from the South Mall since 2017. If so, Article 10 (6) would not apply as the offices have not been vacant for at least 2 years as required. Clarification required.



Floor plans of the proposal and the number of units (although it appears to be 1) should be submitted to determine its compliance with the 'Sustainable Urban Housing Guidelines for Planning Authorities' document and also that habitable rooms have natural ventilation etc.

## 8. Conclusion

The question has been asked whether the proposal to change the use from vacant office to residential to come within the new exemptions permitted such change of use namely Article 10 (6) of the Planning and Development regulations 2001 -2018 (as amended). No drawings or floor plans have been submitted to determine same. There are various conditions and limitations which governs this particular change of use exemptions e.g. floor areas, room sizes, storage space, rooms having natural ventilation etc.; proof that the existing floors are a particular 'Class' of development and also have been vacant for 2 years prior to the proposal etc. Such details would therefore need to be submitted to enable the Planning Authority to determine whether or not the proposal is exempt.

## 9. RECOMMENDATION

In view of the above and having regard to Article 10 (6) of the Planning and Development Regulations 2001 – 2018 (as amended), it is recommended that the following further information be sought:

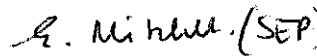
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excluding use as a health or medical service); an office; or as a residential club/guest house or hostel (other than a hostel where care is provided).

2. It is noted that a number of floors within the building appear to be in current use as offices but access was not possible. Please contact Mary Doyle (Executive Planner) at [mary\\_doyle@corkcity.ie](mailto:mary_doyle@corkcity.ie) to arrange internal access to determine the current uses.
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5. You are requested to submit details showing that rooms for use, or intended for use, as habitable rooms have adequate natural lighting.

  
Mary Doyle  
Executive Planner

  
12.02.2019

FAO: The Development Management Section, City Hall

16<sup>th</sup> January 2019

Ref: New planning and development regulations (SI 30 of 2018)

A Chara.

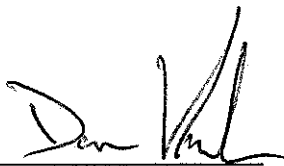
Following on from our notice under the Planning and Development (Amendment no.2) Regulations 2018 which you acknowledged and your request for an application for an exemption certificate please find enclosed application form, including a 1:1000 site location map and cheque for the prescribed fee of €80.

The proposed development will convert currently vacant space in floor 3 & 4 of 46 South Mall Cork, into a two bedroomed duplex apartment of circa 116 sq. The proposed unit will include two bedrooms, a separate bathroom, a separate WC/utility & storage room, a kitchen and separate living room.

I can confirm the proposed space has been vacant and unused commercial space since I purchased the property in 2016. I can also confirm there will be no changes to the external appearance of the building.

I trust this in in order should you have any queries please contact the undersigned.

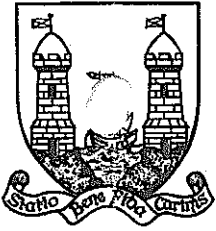
Kind Regards



Daniel Howard

D/E 21/02/19  
Received 28/01/19. Em.

Comhairle Cathraeh Chorcaí  
Cork City Council  
21 JAN 2019  
Strategic Planning & Economic  
Development Directorate



# Comhairle Cathrach Chorcaí Cork City Council

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

Daniel Howard,  
Howard Auctioneers,  
46 South Mall,  
Cork

Copy

19<sup>th</sup> December, 2018

**RE: Planning and Development Regulations 2018 (Amendment)(No. 2)  
46 South Mall, Cork**

Dear Sirs,

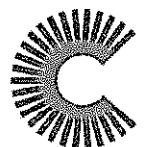
I am asked to acknowledge receipt of your documentation on the above under the Planning and Development (Amendment)(No. 2) Regulations 2018. This satisfies the requirement to give the Planning Authority two weeks notice prior to the commencement of works.

You should satisfy yourself that the project satisfies all the requirements set out in the Regulations. If, however, you require a declaration from the Planning Department that the development is exempted you should opt for the Section 5 procedure under the Planning and Development Act 2000.

I am enclosing for your information a copy of the Planning and Development (Amendment)(No. 2) Regulations 2018 and an application form should you wish to pursue the Section 5 route.

Yours faithfully,

  
Senior Staff Officer,  
Strategic Planning & Economic  
Development Directorate



We are Cork.



**The Property Registration Authority**  
**An tÚdarás Clárúcháin Maoine**

**Land Registry Sealed and Certified Copy Folio (& Filed Plan)**

Dan  
Howard  
46 South Mall  
Cork

**This page forms part of the official document. Do not detach.**

**Folio Number:** CK21530L  
**Application Number:** P2019LR003315M  
**Your Reference:** 46 South mall Map

This document comprises an office copy of the Land Registry record for the above mentioned folio/filed plan as of the date appearing.

Details of **dealings pending** (if any) on the enclosed folio/filed plan are listed in the **Schedule** below.

An officer duly authorised by the Property Registration Authority.

**Schedule**



**Notes:**

1. Filed plans should be read in conjunction with the Register. The description of the land in the Register or on the filed plan is not conclusive as to the boundaries or extent of the land (see Section 85 of the Registration of Title Act 1964, as substituted by Section 62 of the Registration of Deeds and Title Act, 2006).
2. Filed plans greater than A3 in size may be provided as separate A3 tiles with an overlap and print gutter. When aligning the tiled sheets, customers are advised to use the underlying topographical detail.
3. On receipt of this record, please check to verify that all the details contained therein are correct. If this is not the case, please return the document to the Property Registration Authority immediately.

## Land Registry

County Cork

Folio 21530L

## Register of Ownership of Leasehold Interest

## Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

No.	For parts transferred see Part 1(B) Description	Official Notes
1	<p>The leasehold interest in the property known as 46 South Mall, Cork, T12 V0FK, shown coloured Green as plan(s) DEJ78 on the Registry Map, situate in the Parish of Holy Trinity, in the Electoral Division of CENTRE A. The leasehold interest was created by Lease dated 21-JUN-1798 from REVEREND ALEXANDER KENNEDY to JAMES WALLIS for the term of 900 years from the 24-JUN-1798 at the rent as specified in the lease.</p> <p>The Registration does not extend to the mines and minerals</p>	<p>Instrument D2016LR128233B</p>

Land Cert Issued: No

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Collection No.:

Date Printed: 11/01/2019

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Land Registry

County Cork

Folio 21530L

Part 1(B) - Property  
Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares):	Plan:	Folio No:

Land Registry

County Cork

Folio 21530L

Part 2 - Ownership

Title Good Leasehold

No.	
1	20-MAR-2017 DANIEL HOWARD of 42 South Mall, Cork City, Cork, T12 V0FK is full owner. D2016LR128233B

## Land Registry

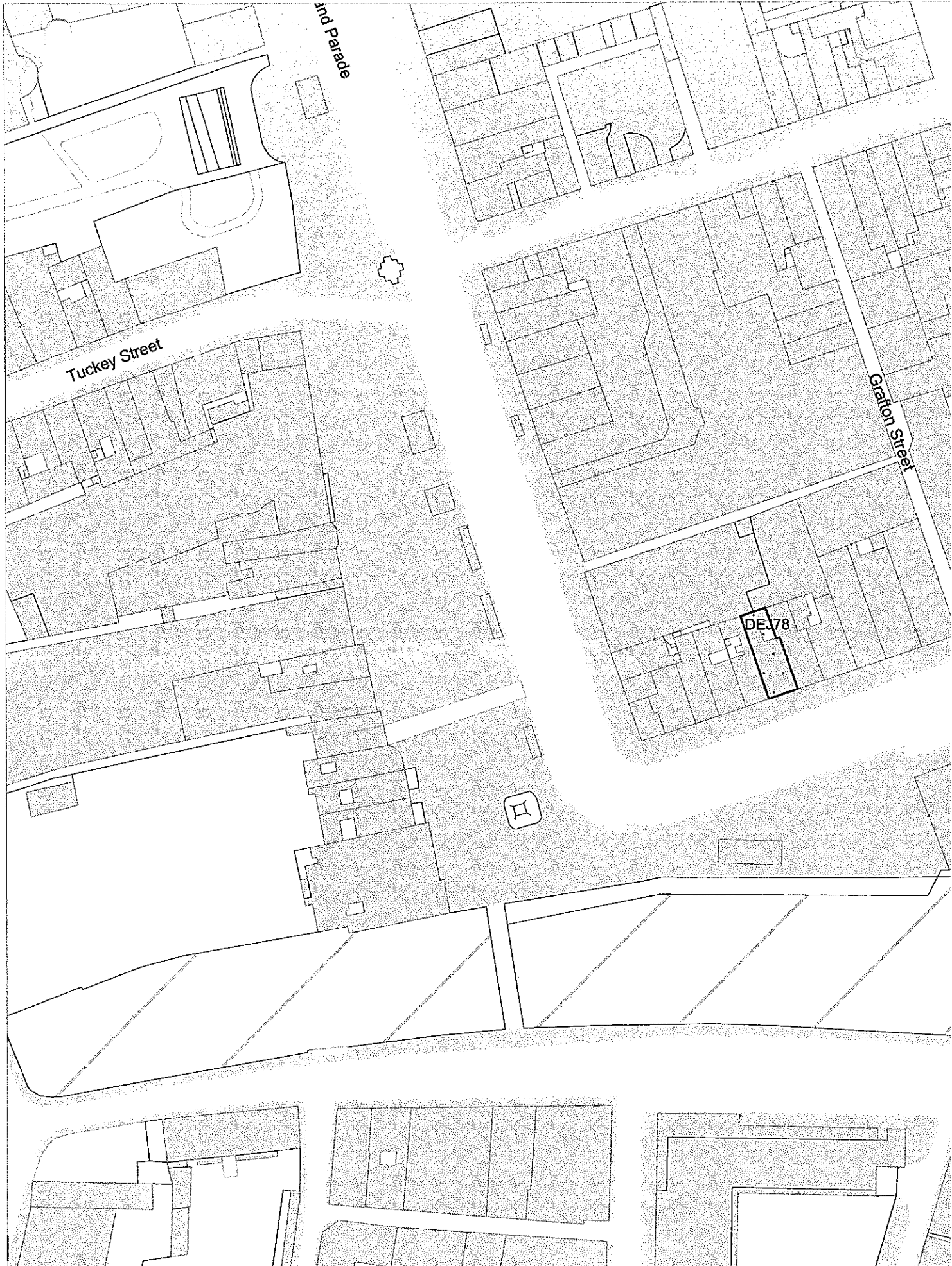
County Cork

Folio 21530L

## Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	20-MAR-2017 Charge for present and future advances repayable with interest. D2016LR128233B ULSTER BANK IRELAND DAC is owner of this charge.







2

## Stamp Certificate

<b>Document ID:</b>	160049923T	<b>Date Issued:</b>	18/05/2016
<b>Stamp Certificate ID:</b>	16-0561941-2729-230216-A	<b>Notice Number:</b>	92636225-14659E
<b>Duty:</b>	€ 4,200.00		
<b>Interest:</b>	€ 70.00		
<b>Total:</b>	€ 4,270.00		
<b>Date of Execution of Instrument:</b>	23/02/2016		
<b>Parties From:</b>	CAROLE HORGAN PATRICK BEECHINOR		
<b>Parties To:</b>	DANIEL JAMES HOWARD		
<b>Property</b>	46, Southmall, Cork, Cork		
	Non Residential: Chargeable Consideration: € 200,000.00	<b>Duty:</b>	€ 4,000.00

# Revenue





Dan Howard <dan@danhowardsales.com>

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**RA048431280009 (166043) 46 South Mall**

1 message

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**Teresa Manning** <teresa\_manning@corkcity.ie>  
To: Dan Howard <dan@danhowardsales.com>

Thu, Nov 30, 2017 at 11:56 AM


Mr. Howard,

I attach copy correspondence issued to you regarding the third and fourth floor confirming that you got a vacancy write off due to floors being incapable of occupation. I confirm that RA 166043 and RA166035 has been paid in full up to 31<sup>st</sup> December, 2017.

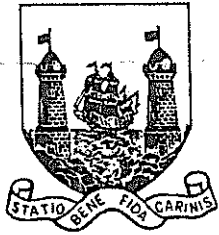
Regards,

Teresa Manning,  
Rates Department,  
Cork City Council  
021 4924446.

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 **RA048431280009 (166043) 46 South Mall.docx**  
11K

# Comhairle Cathrach Chorcaí Cork City Council



Fón/Tel: 021- 4924000  
Facs/Fax: 021- 4314238  
Gréasán/Web: [www.corkcity.ie](http://www.corkcity.ie) Tag/Ref

Halla na Cathrach  
Corcaigh  
T12 T997

Dan Howard,  
46 South Mall,  
CORK.

September 13<sup>th</sup> 2017.

Re: RA0484312980009 (166043) 46 South Mall, Cork.

Dear Mr Howard,

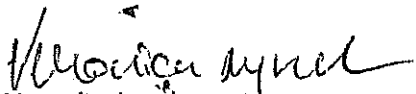
I refer to the above commercial rate account.

I wish to advise that an amount of €1666.06 will be written off at year end in respect of the third and fourth floors.

This leaves a balance of €4045.92.

Please forward payment.

Yours sincerely,

  
Veronica Lynch

Staff Officer

Rates Dept.

Cork City Council,

Tel. 021 4924754

[rates@corkcity.ie](mailto:rates@corkcity.ie)

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**

46 South Mall  
Cork.

**2. QUESTION/ DECLARATION DETAILS**

**PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:**

Sample Question: Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?

Note: only works listed and described under this section will be assessed under the section 5 declaration.

Is the conversion of vacant overhead commercial offices at Floor 3 and 4 at 46 South Mall exempted development as per Planning & Development Regulations 2018 (Amendment No. 2)

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

(Use additional sheets if required).

Conversion of Floors 3 + 4  
46 South Mall into circa 116 sqm  
of duplex residential Apartment  
To include 2 Bedrooms  
1 Bathroom  
1 utility w/c storage  
1 Kitchen  
1 living room

No changes to external facade or  
Appearance.

Proposed development undertaken is availing of  
Planning & Development Regulations 2018 (Amendment no. 2)

### 3. APPLICATION DETAILS

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

(a) Floor area of existing/proposed structure/s	116 sqm
(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) NA
(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)
vacant Commercial office	Residential

### 4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):	DAN HOWARD		
Applicants Address	46 South Mall CORK		
Person/Agent acting on behalf of the Applicant (if any):	Name:	NA	
	Address:	NA	
	Telephone:	NA	
	Fax:	NA	
	E-mail address:	NA	
Should all correspondence be sent to the above address? <small>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)</small>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

### 5. LEGAL INTEREST

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

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

Signature: 

Date: 18/11/19



# 46 South Mall, Cork City Centre



Thomas J.O` Driscoll & Associates are delighted to bring 46 South Mall to the market. Located in the heart of Cork City`s financial & business district, this building has a shop front on the ground floor, with offices & facilities on the upper levels spanning over 3,000 square feet in total. This is a great opportunity to acquire a high profile premises which would suit a variety of business ventures. We are also selling the leasehold interest of 47 South Mall, namely the 1st,2nd & 3rd floors.



## Accommodation Comprises:

<b>Ground Floor</b>		
<b>Shopfront &amp; Hallway</b>	Timber Floor, Partly Tiled, 2 Windows, Suspended Ceiling, Stairs (Carpet)	<b>36'0"</b> <b>(10.97m)</b> <b>x 18'0"</b> <b>(5.49m)</b>
<b>Back Annex</b>	Timber Floor, Kitchenette, Door To Backyard	<b>22'5"</b> <b>(6.83m) x</b> <b>6'0"</b> <b>(1.83m)</b>
<b>Toilet</b>	3 Toilets	<b>11'0"</b> <b>(3.35m) x</b> <b>9'0"</b> <b>(2.74m)</b>
<b>Enclosed Backyard</b>		<b>8'0"</b> <b>(2.44m) x</b> <b>7'5"</b> <b>(2.26m)</b>
<b>Stairs &amp; Landing</b>	Break of Landing: Hallway (8' 0"x9' 0") - Built-In Bookshelf, Window Office 1 (15' 3"x10' 5") - Carpet, Window, Suspended Ceiling, Storage Cupboard	
<b>1st Floor</b>		
<b>Office 2</b>	Carpet, Marble Fireplace, Suspended Ceiling, Window	<b>16'8"</b> <b>(5.08m) x</b> <b>10'0"</b> <b>(3.05m)</b>
<b>Office 3</b>	Carpet, 2 Windows, Suspended Ceiling	<b>19'0"</b> <b>(5.79m) x</b> <b>18'0"</b> <b>(5.49m)</b>
<b>Stairs &amp; Landing</b>	Break Of Landing: 2 Toilets (10' 0"x8' 0") & Hallway	
<b>2nd Floor</b>		

<b>Office 4</b>	Carpet,Fireplace,Window	16'8" (5.08m) x 10'0" (3.05m)
<b>Office 5</b>	Carpet,2 Windows	19'0" (5.79m) x 18'0" (5.49m)
<b>3rd Floor</b>		
<b>Office 6</b>	Incorporating Lobby,Kitchenette,Staff Toilets	16'7" (5.05m) x 10'0" (3.05m)
<b>Office 7</b>	Carpet,2 Windows	19'0" (5.79m) x 18'0" (5.49m)
<b>Attic</b>		
<b>Office 8</b>	Carpet,Window	18'0" (5.49m) x 17'0" (5.18m)
<b>Office 9</b>	Carpet,Window	13'0" (3.96m) x 11'0" (3.35m)
<b>47 South Mall</b>		
<b>1st Floor</b>		
<b>Office 1</b>	Carpet,Window	19'0" (5.79m) x 18'0" (5.49m)
<b>Office 2</b>	Carpet,Windows,Fireplace	17'0" (5.18m) x 10'4" (3.15m)

<b>2nd Floor</b>			
<b>Office 3</b>	Carpet, Windows	19'0" (5.79m) x 18'0" (5.49m)	
<b>Office 4</b>	Carpet, Windows, Fireplace	17'0" (5.18m) x 10'4" (3.15m)	
<b>3rd Floor</b>			
<b>Office 5</b>	Incorporating Toilets, Carpet, Windows	17'0" (5.18m) x 11'6" (3.51m)	
<b>Office 6</b>	Carpet, Window	19'0" (5.79m) x 18'0" (5.49m)	
<b>Guide Price</b>	<b>Price on Application</b> For further information or appointment to view please contact Paul O' Driscoll at our office on 021-4270435		