



# Comhairle Cathrach Chorcaí Cork City Council

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

The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1, D01V902

22/04/2025

RE: **Section 5 Declaration R918/25: The Cube Building, Monahan Road, Ballintemple**

Dear Sir/Madam,

Please find enclosed a referral under Section 5 (4) of the Development & Planning Act 2000 with a cheque for the referral fee of €110.00.

### Question Referred

Whether the temporary change of use of the basement, ground, first, second, and third floors of the Cube building from office use to residential accommodation for International Protection Applicants as per the provisions of class 20F of Part 1 of schedule 2 of the Planning and Development Regulations 2001 (as amended) is development and, if so, is it exempted development?..

### Applicant Details

Cherryinn Limited,  
22 Northumberland Road,  
Ballsbridge,  
Dublin 4,

### Person/Agent acting on behalf of the Applicant

Susan Cullen,  
McCutcheon Halley,  
6 Joyce House,  
Barrack Square,  
Ballincollig,  
Cork.  
P31 YX97

<b>AN BORD PLEANÁLA</b>	
LDG- <u>079619-25</u>	
ABP- _____	
24 APR 2025	
Fee: € <u>110</u>	Type: <u>clg</u>
Time: <u>9:46</u>	By: <u>Post</u>



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# Comhairle Cathrach Chorcaí

## Cork City Council

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

Copies of the following documents are included in the appendices of this referral:

- Referral under Section 5(4) of the Planning and Development Act 2000
- Section 5 Declaration application, R918/25.
- Section 5 Declaration detailed submission.

Should additional information be required, please contact me directly on 021 492 4584.

Yours sincerely,

*Anthony Angelini*

**Anthony Angelini,**  
**Assistant Staff Officer**  
**Planning and Integrated Development**  
**Cork City Council**



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# REMITTANCE ADVICE

**Cork City Council  
City Hall  
Cork**



AN BORD PLEANALA  
64 MARLBOROUGH STREET  
DUBLIN 1  
Ireland

Date:	16/04/2025
Supplier No.:	996881
Paying Order No.:	741832
Page No.:	1/1
Route No.:	

Your Reference	Our Reference	Amount €
R918/25	30105765	110.00
<b>Total €</b>		<b>110.00</b>

WH = Withholding Tax   CT = Subcontractors Tax   RA = Non Resident Landlord  
CMP = Late Payment Compensation

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
DUBLIN 1  
D01 V902

17/04/2025

## **Referral under Section 5(4) of the Planning and Development Act 2000**

### **Cube Building, Monahan Road, Ballintemple, Cork**

This referral is made under section 5(4) of the Planning and Development Act 2000 (as amended).

This referral is structured as follows:

1. Introduction
  2. Background
  3. Grounds of Referral
  4. Screening for Appropriate Assessment
  5. Conclusion
- Appendices 1 – 4

### **1. Introduction**

#### **1.1 Relevant Legislative Provision**

All relevant legislative provisions of the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) are included as **Appendix 1** to this referral. In this referral, 'the Act' means the Planning and Development Act 2000, as amended, and 'the Regulations' means the Planning and Development Regulations 2001, as amended.

#### **1.2 Particulars of Referral**

Various particulars required under Section 127 of the Act are provided with this referral. The subject matter and grounds of the referral and the reasons, considerations and arguments on which they are based are included below in the body of this referral. Also enclosed is the fee of €110.

The referral is made by:

Development Management,  
Planning and Integrated Development Directorate,  
Cork City Council, City Hall, Cork  
Telephone: 021-492-4584  
Email: [anthony\\_angelini@corkcity.ie](mailto:anthony_angelini@corkcity.ie)

#### **1.3 The Question Referred**

As per the application received from Cherryinn Limited, owners of the property, the question referred here, as set out by the applicant, is:

- 1) **Whether the change of use of the basement, ground, first, second, and third floors of the Cube building from office use to residential accommodation for International Protection Applicants as per the provisions of class 20F of Part 1 of schedule 2 of the Planning and Development Regulations 2001 (as amended) is development and, if so, is it exempted development?.**

Following a review of the documentation submitted, including the further information, the relevant exempted development provisions and the planning history on site is proposed that the following definition would be more appropriate:

- 1) **Whether the temporary change of use of the basement, ground, first, second, and third floors of the Cube building from office use to residential accommodation for International Protection Applicants as per the provisions of class 20F of Part 1 of schedule 2 of the Planning and Development Regulations 2001 (as amended) is development and, if so, is it exempted development?.**

#### 1.4 The Referral Site

For ease of reference, the lands which are the subject of this referral are referred to as 'the referral site' in this referral.

The referral site is located on Monahans Road, a predominantly commercial/industrial area to the South of the River Lee in the South Docklands area of Cork City. It consists of a four-storey, over basement business and technology office building.

The referral site is zoned, in the *Cork City Development Plan 2022-2028* (CCDP) as **ZO 4 - Mixed Use Development zoning** where it is an objective: *To provide and promote a mix of residential and other uses to ensure the creation of a vibrant and sustainable urban area.*

## 2. Background

### 2.1 General Background

The subject referral to the Board is subsequent to a request for a Planning Authority declaration on the question as set out in Section 1.3 above. The request for declaration is recorded under Cork City Council Ref: R918/25. It should be noted that the referral is a 1<sup>st</sup> Party referral.

The application and cover letter, submitted to Cork City Council on 20<sup>th</sup> February 2025, along with Further Information submitted on 3<sup>rd</sup> April 2025 by McCutcheon Halley Planning Consultants. are attached hereto as **Appendix 2**.

Subsequent to receiving the Section 5 determination application Cork City Council requested Further Information as follows:

1. In relation to Class 20F the following is noted:

#### *CLASS 20F*

#### **Temporary use by or...**

The intention of the request is not clear as the question in Section 3 of the application form does not indicate that the proposed use is of a temporary nature only, and it is considered that only a Temporary change of use may be applied for under Class 20F.

The applicant is requested to clarify the details of the question posed to the Planning Authority, namely, that the proposal is for a Temporary Change of use only (in accordance with the requirements of Class 20F of Part 1 of schedule 2 of the Planning and Development Regulations 2001 (as amended)).

2. It is noted that the question in Section 3 of the application form also includes for the change of use of the basement floor area. It is further noted however that the cover letter submitted indicates that the basement is not proposed for a change of use. Additionally, no proposed drawings for the change of use of the basement have been submitted.

The applicant is requested to clarify, and revise the question posed to the Planning Authority in relation to whether the basement area is proposed for a change of use and, if so, proposed floor plans for this area should be provided.

Further Information submitted on 3<sup>rd</sup> April 2025 by McCutcheon Halley Planning Consultants confirming that the proposed change of use is 'Temporary' in nature and that no changes are proposed to the Basement of the building.

As part of the Further Information Request an Advisory Note was attached to the Request for Further Information in relation to the location of the referral site within the middle and outer Seveso Consultation Zone associated with Goulding's Chemicals on Centre Park Road, as follows:

1. It is noted that the existing building comes within the Seveso Consultation Zone associated with Goulding's Chemicals on Centre Park Road. It would appear that the building is located partially within the middle and outer consultation zones. Some development types are restricted in these consultation zones in accordance with HSA guidance.

The applicant is advised to engage with the HSA with regards to the location and type of proposed development to ensure that the proposed development is acceptable within these zones.

Further Information submitted on 3<sup>rd</sup> April 2025 by McCutcheon Halley Planning Consultants confirmed that the applicants have made contact with the HSA regarding same.

Copies of this correspondence are set out in **Appendix 3**.

## **2.2 Site Planning History**

- TP 20/39182 Permission GRANTED for the alteration of south elevation by the inclusion of new windows at first floor level, and associated works at Cube, Monahan Road, Cork.
- TP 16/37179 Permission GRANTED for the alteration of west elevation by the inclusion of new windows, door and associated works at Cube, Monahan Road, Cork.
- TP 08/33194 Permission GRANTED for construction of ESB Substation and Switch Room to service Business and Technology building granted under Reg. No. 06/30815 at Business & Technology Building, Monahan Road, Cork.
- TP 06/30815 Permission GRANTED to demolish existing warehouses and construction of business and technology building comprising of a single level basement carpark, 5 storey building for office use with central courtyard, 2 no. vehicle access points, drop off layby and associated site works at Monahan Road, Cork.

## **2.3 Development Plan Objectives**

**Cork City Development Plan 2022-2028**

The Cork City Development Plan 2022-2028 (CCDP) was made by the elected members of Cork City Council on 10 June 2022 and came into effect on 8 August 2022.

**Zoning Objective ZO-04 - Mixed Use Development zoning** where it is an objective: *To provide and promote a mix of residential and other uses to ensure the creation of a vibrant and sustainable urban area.*

### **3. Grounds of Referral**

The planning authority requests that the board determine whether the change of use proposed to the referral site, are exempted development. It is considered that the key questions are:

- (1) Whether the temporary change of use of the basement, ground, first, second, and third floors of the Cube building from office use to residential accommodation for International Protection Applicants as per the provisions of class 20F of Part 1 of schedule 2 of the Planning and Development Regulations 2001 (as amended) is development and, if so, is it exempted development.

### **4. Environmental Assessment**

#### ***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.

#### ***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.

### **5. Conclusion**

The planning authority looks forward to the Board's consideration and determination of this referral.

Please do not hesitate to contact this office should any further information be required.

encl.

**Appendix 1** – Legislative Provisions

**Appendix 2** – Section 5 Application, cover letter and supporting documents submitted by the applicant

**Appendix 3** – Further Information Request and Further Information Response

**Fee** – €110

## Appendix 1 – Legislative Provisions

### Planning and Development Act, 2000 (As Amended)

#### Section 3(1) Development

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.

#### 4.— Section 4(1a), Exempted Development

(1) The following shall be exempted developments for the purposes of this Act—

(a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;

#### Section 4(2),

(2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

(b) Regulations under *paragraph (a)* may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

(c) Regulations under this subsection may, in particular and without prejudice to the generality of *paragraph (a)*, provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act.

#### Section 4(4)

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

#### Section 5(1)

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.

#### Section 5(4),

(2) Notwithstanding *subsection (1)*, a planning authority may, on payment to the Board of such fee as may be prescribed, refer any question as to what, in any particular case, is or is not development or is or is not exempted development to be decided by the Board.

**Planning and Development Regulations 2001 (As Amended)**

**Article 6 (1)**

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

*Schedule 2 – Part 1 – Exempted Development – General*

<b>Column 1 Description of Development</b>	<b>Column 2 Conditions and Limitations</b>
<p><b>CLASS 20F</b> Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.</p>	<p>1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.</p>
	<p>2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022<sup>1</sup> comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001<sup>2</sup>.</p>
	<p>3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.</p>
	<p>4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.</p>
	<p>5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.</p>
	<p>6. ‘displaced persons’, for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.</p>
	<p>7. ‘international protection’, for the purpose of this class, has the meaning given to it in <a href="#">section 2 (1) of the International Protection Act 2015</a> (No. 66 of 2015).</p>

8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001."

**Article 9 (1)**

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

- (a) (i) if the carrying out of such development would... contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (a) (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

**Appendix 2 – Section 5 Application, cover letter and supporting documents submitted by the applicant**

The Secretary  
Planning Department  
Cork City Council  
City Hall  
Cork



04 February 2025

**Re: Request for a section 5 Declaration seeking confirmation that the temporary change of use of the basement, ground, first, second and third floors of the Cube building from office use to accommodate or support displaced persons or persons seeking international protection (Class 20F) at The Cube Building, Monahan Rd, Ballintemple, Cork, is exempted development.**

Dear Sir/Madam,

We act on behalf of Cherryinn Limited in relation to The Cube Building, Monahan Rd, Ballintemple, Cork. Our client is requesting a declaration in accordance with Section 5 of the Planning and Development Act 2000 (as amended), seeking confirmation that the proposed development is exempted development on the basis that:

- The change of use of the basement, ground, first, second and third floors of the Cube building from office use to accommodate or support displaced persons or persons seeking international protection is exempted development as per the provisions of Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- The associated works to facilitate the proposed use will affect only the interior of the structure and therefore come within the exempted development provisions of Section 4(1)(h) of the Planning and Development Act, 2000.

In accordance with the Council's requirements for Section 5 declaration, this cover letter is accompanied by:

- Section 5 Application Form
- Ordnance Survey Map (identifying site location);
- Drawings for the proposed use;
- The appropriate referral fee of €80.00.

## Site Context

The Cube Building is located on Monahan Road in Ballintemple, on the eastern edge of Cork city centre. The building is positioned on the south side of the road and sits adjacent to the roadside between two industrial sites, one of which has a road level car park. The site is 1.4 kilometres from the city centre.



Figure 1 – site marked in red

The building itself is a five-storey office building with integral parking provision at basement level.

There are no protected structures on the site and it is not located within an Architectural Conservation Area.

## Planning History

### Parent Planning Permission

Ref. No. 06/30815

Monahan Road Development Ltd sought permission to, 'Demolish existing warehouses and construction of business and technology building comprising of a single level basement carpark, 5 storey building for office use with central courtyard, 2 no. vehicle access points, drop off layby and associated site work.'

Cork City Council granted permission on January 30<sup>th</sup>, 2007.

## **Modifications to the Parent Permission**

### **Ref. No. 08/33194**

Monahan Road Development Ltd. applied for permission *'For construction of ESB Substation and Switch Room to service Business and Technology building granted under Reg. No. 06/30815.'*

A grant of permission was issued by Cork City Council on 9/9/2008

### **Ref. No. 16/37179**

Monahan Road Development Ltd lodged an application for 'Alteration of west elevation by the inclusion of new windows, door and associated works.'

Cork City Council granted permission on 3/3/2017.

### **Ref. No. 19/38678**

Monahan Road Development Ltd lodged an application for *'Permission for the provision of solar panels on the roof, the provision of illuminated signage to West Elevation and associated site works.'*

Cork City Council granted permission on 12/12/2019.

### **Ref. No. 20/39182**

Monahan Road Development Ltd sought *'Permission for the alteration of south elevation by the inclusion of new windows at first floor level, and associated works.'*

A grant of permission was issued by Cork City Council on 4/8/2020

# Planning Legislation/Regulations

In order to assess whether or not the proposal is or is not development and is or is not exempted development, regard must be had to the 2000 Planning and Development Act (as amended) and the 2001 Planning and Development Regulations (as amended). The principal provisions of both the Act and the Regulations are outlined below.

## Planning and Development Acts, 2000 (as amended)

Section 2 of the 2000 Planning and Development Act, as amended (PDA), includes the following definitions which are of relevance to this assessment:

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

*(a) where the context so admits, includes the land on, in or under which the structure is situate, and*

*(b) in relation to a protected structure or proposed protected structure, includes—*

*a. the interior of the structure,*

*b. the land lying within the curtilage of the structure,*

*c. any other structures lying within that curtilage and their interiors, and*

*d. all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);*

Section 3(1) of the PDA defines “Development” as, ‘*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 of the PDA relates to ‘Exempted Development’ and subsection (1) sets out categories of development that shall be exempted development, including subsection 4(1)(h) which includes:

*‘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 (1)(h) of the Act states that works which affect only the interior of the structure or which do not materially affect the external appearance of the structure will be considered exempted development.

Section 4(2)(a) states that the Minister may by regulations provide for any class of development to be exempted development where he or she is of the opinion that the carrying out of such development by virtue of its size, nature or limited effect on its surroundings, would not offend against the principles of proper planning and sustainable development.

Section 4(2)(b) of the Act states that regulations under paragraph (a) may be made subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

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

Under the provisions of the Planning and Development Regulations 2001 (as amended), Article 6 provides that:

*“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.”*

It is submitted that the proposed development falls within Class 20F, which relates to the temporary use to accommodate or support displaced persons or persons seeking international protection.

Column 1 Description of Development	Column 2 Conditions and Limitations
<p><b>CLASS 20F</b></p> <p><b>Temporary use</b> by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, <u>office</u>, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.</p>	<ol style="list-style-type: none"> <li>1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.</li> <li>2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022<sup>1</sup> comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001<sup>2</sup>.</li> <li>3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.</li> <li>4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.</li> <li>5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.</li> <li>6. ‘displaced persons’, for the purpose of this class, means persons to whom temporary protection applies in</li> </ol>

	<p>accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022</p> <p>7. 'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).</p> <p>8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.</p>
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Article 10(1) of Part 2 provides that development which consists of a change of use within any of the classes of use specified in Part 4 of Schedule 2 shall be exempted development provided that it would not involve the carrying out of any works (other than exempted development works), contravene a condition of any permission, be inconsistent with any use specified in such a permission, or relate to unauthorised development.

# Assessment

In accordance with Section 5 of the Planning and Development Act 2000, we are seeking confirmation that the temporary change of use from office to accommodate or support displaced persons or persons seeking international protection at the Cube Building located on Monahan Road, Ballintemple, Cork City, from the ground floor level to the third floor

The parent permission for the Cube Building, ref. no. 06/30815, established the use of the building as '*a business technology building comprising of a single level basement carpark, 5 storey building for office use*'. The use of the building is confirmed in Condition No.5 attached to the permission which states:

*'The proposed commercial uses shall be restricted to Business and Technology uses as defined in paragraph 10.6 of the Cork City Development Plan 2004 and subject to agreement of the Planning Authority.'*

Paragraph 10.6 of the 2004 Cork City Development Plan states that the objective of '*Business and Technology*' zoning is:

*To provide for high technology related office-based industry.*

*The purpose of this zoning objective is to encourage the provision of office based industry. These industries include software development, commercial research and development, publishing, information technology, telemarketing, data processing, media recording and media associated activities. Light industrial uses will also be permitted in this zone. Companies providing technical professional services to industry may be considered as an office based industry where they occupy space greater than 1000 sq. m.'*

The parent permission for the building confirms that the permitted use of the building is 'office'. Class 20F states that this exemption will apply to 'any structure or part of a structure used as a...office'. The proposed change of use related to part of an existing office block consisting of the basement, ground, first, second and third floors. No change of use is proposed for the 4<sup>th</sup> floor of the building. The change of use of 'part of a structure' is consistent with the provisions of Class 20F.

In accordance with the conditions and limitations associated with Class 20F, the following will apply:

- The temporary use will only be for the purposes of accommodating or supporting displaced persons or persons seeking international protection;
- Subject to paragraph 4 class 20F, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022 comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001.
- The use for the purposes of accommodating persons seeking international protection will be discontinued not later than 31 December 2028.
- Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of Class 20F, on a date that is earlier than 31 December 2028, the temporary use will continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of class 20F.
- This Section 5 referral acts as a notification to Cork City Council of the proposed change of use.

In addition to the above, the proposed change of use also complies with the provisions of Article 9(1)(a) of the Planning Regulations in that the proposed change of use:

- will not contravene a condition attached to a permission;
- will not consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway;
- will not endanger public safety by reason of traffic hazard or obstruction of road users;
- will not comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building;
- will not interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation;
- will not have any effect on the integrity of a European site or natural heritage area;
- will not consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure;
- will not preclude or restrict the continuance of the existing use;
- will not obstruct any public right of way;
- will not comprise the carrying out of works to the exterior of a structure within an architectural conservation area.

In addition to the above, the associated works to facilitate the proposed temporary use will affect only the interior of the structure and therefore comes within the exempted development provisions of Section 4(1)(h) of the Planning and Development Act, 2000 which states that '*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 will be exempted development.*'

# 1. Conclusion

The proposed change of use of the basement, ground, first, second and third floors of the Cube building from office use to accommodate international protection applicants (Class 20F) at the Cube Building located on Monahan Road, Ballintemple, Cork City complies with all of the criteria included in Article 9(1)(a) of the Planning Regulations and the physical/proposed works are exempted development under Section 4(1)(h) of the Planning and Development Act.

Accordingly, it is submitted that the change of use from Office building to accommodate international protection applicants (Class 20F) at the Cube Building located on Monahan Road, Ballintemple, Cork City, from the ground floor level to the third floor - keeping floor four as office use, is exempted development on the basis that:

- The change of use complies with the provisions of Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- The associated works to facilitate the proposed use will affect only the interior of the structure and therefore come within the exempted development provisions of Section 4(1)(h) of the Planning and Development Act, 2000.

Please do not hesitate to contact us should you require any further information.

Yours sincerely



Susan R. Cullen  
McCutcheon Halley

**COMHAIRLE CATHRACH CHORCAÍ**  
**CORK CITY COUNCIL**

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

R-Phost/E-Mail [planning@corkcity.ie](mailto:planning@corkcity.ie)

Fón/Tel: 021-4924029

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. NAME OF PERSON MAKING THE REQUEST**

Cherryinn Limited

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

Cube Building, Monahan Rd, Ballintemple, Cork, T12 H1XY

**3. 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.*

1. The temporary change of use of the basement, ground, first, second and third floors of the Cube building from office use to accommodate or support displaced persons or persons seeking international protection is exempted development as per the provisions of Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
2. The associated works to facilitate the proposed use will affect only the interior of the structure and therefore come within the exempted development provisions of Section 4(1)(h) of the Planning and Development Act, 2000.

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

*(Use additional sheets if required).*

See attached cover letter and drawings.

4. Are you aware of any enforcement proceedings connected to this site?  No  
 If so please supply details:

---

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

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

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

If so please supply details:  
 Please refer to cover letter.

---

**7. 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		
(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)
(c) If concerning a change of use of land and / or building(s), please state the following:		
<input checked="" type="checkbox"/> Existing previous use (please circle)  Office	<input checked="" type="checkbox"/> Proposed existing use (please circle)  To accommodate or support displaced persons or persons seeking international protection	

**7. 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 of the owner if available		

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

Signature: 

Date: February 4th, 2025

**CONFIDENTIAL CONTACT DETAILS**

These details will not be made available to the public.

**9. Applicant:**

<b>Name(s)</b>	Cherryinn Limited
<b>Address</b>	22 Northumberland Road, Ballsbridge, Dublin 4, Ireland

**10. Person/Agent acting on behalf of the Applicant (if any):**

<b>Name(s):</b>	Susan Cullen
<b>Address:</b>	McCutcheon Halley, 6 Joyce House, Barrack Square, Ballincollig, Cork
<b>Telephone:</b>	021-4208710
<b>E-mail address:</b>	scullen@mhplanning.ie
<b>Should all correspondence be sent to the above address?</b> (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"/>

**11. Owner Details (if the applicant above is not the legal owner):**

<b>Name(s)</b>	N/A
<b>Address</b>	N/A

**12. ADDITIONAL CONTACT DETAILS**

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

Tel. No. \_\_\_\_\_

Mobile No. \_\_\_\_\_

Email Address: \_\_\_\_\_

For Office Use Only:

File Ref. No. \_\_\_\_\_

**Appendix 3 – Further Information Request and Further Information Response**

**PLANNER'S REPORT**  
**Ref. R 918/25**

Cork City  
Council  
Development Management  
Planning & Integrated  
Development

Application type	<b>SECTION 5 DECLARATION</b>
Question	<i>Is the change of use of the basement, ground, first, second, and third floors of the Cube building from office use to residential accommodation for International Protection Applicants as per the provisions of class 20F of Part 1 of schedule 2 of the Planning and Development Regulations 2001 (as amended) development and, if so, is it exempted development?</i>
Location	Cube Building, Monahan Road, Ballintemple, Cork
Applicant	Cherryinn Limited (owners)
Date	22/04/2025
Recommendation	<b>Further Information Required</b>

#### INTERPRETATION

In this report 'the Act' means the Planning and Development Act, 2000 as amended and 'the Regulations' means the Planning and Development Regulations, 2001 as amended, unless otherwise indicated.

#### REQUIREMENTS FOR A SECTION 5 DECLARATION APPLICATION

Section 5(1) of the Planning and Development Act 2000 as amended states,

*5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.*

The requirements for making a section 5 declaration are set out in the Act.

#### THE QUESTION BEFORE THE PLANNING AUTHORITY

The question to the planning authority is not framed using the phrasing of section 5.

The question in the application form (part 3) states the following:

*"1. The change of use of the basement, ground, first, second, and third floors of the Cube building from office use to accommodate or support displaced persons or persons seeking international protection is exempted development as per the provisions of class 20F of Part 1 of schedule 2 of the Planning and Development Regulations 2001 (as amended).*

*2. The associated works to facilitate the proposed use will affect only the interior of the structure and therefore come within the exempted development provisions of section 4(1)(H) of the Planning and Development Act 2000"*

The intention of the request is not considered to be clear as the question in Section 3 of the application does not indicate that the proposed use is of a temporary nature only, and the question also includes for the change of use of the basement floor area. It is noted that the cover letter submitted indicates that the basement is not proposed to be changed to a different use and no proposed floor plans for same have been provided.

It is considered that further information should be requested to clarify the details of the question posed to the Planning Authority, namely:

1. that the proposal is for a Temporary Change of use only (in accordance with the requirements of Class 20F of Part 1 of schedule 2 of the Planning and Development Regulations 2001 (as amended));
2. To confirm the question to the Planning Authority with regards to what sections of the building are proposed for the change of use, i.e. If it is not proposed to change the basement then this should not be included within the question.

#### SITE DESCRIPTION

The subject property is a four-storey, over basement business and technology office building in the ZO 4 Mixed Use Development zoning area. The area is predominantly commercial/industrial in nature.

#### DESCRIPTION OF THE DEVELOPMENT

The proposed development proposes the change of use of the Cube Building on Monahan Road to residential accommodation for International Protection Applicants. No exterior physical works to the structure are stated as being proposed.

#### RELEVANT PLANNING HISTORY

- TP 20/39182 Permission GRANTED for the alteration of south elevation by the inclusion of new windows at first floor level, and associated works at Cube, Monahan Road, Cork.
- TP 16/37179 Permission GRANTED for the alteration of west elevation by the inclusion of new windows, door and associated works at Cube, Monahan Road, Cork.
- TP 08/33194 Permission GRANTED for construction of ESB Substation and Switch Room to service Business and Technology building granted under Reg. No. 06/30815 at Business & Technology Building, Monahan Road, Cork.
- TP 06/30815 Permission GRANTED to demolish existing warehouses and construction of business and technology building comprising of a single level basement carpark, 5 storey building for office use with central courtyard, 2 no. vehicle access points, drop off layby and associated site works at Monahan Road, Cork.

#### LEGISLATIVE PROVISIONS

Planning and Development Act, 2000 as amended

##### **Section 2(1)**

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

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

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

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

### **Section 3(1)**

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

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

*4.(1) The following shall be exempted developments for the purposes of this Act—*

*...*

*(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

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

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

### **Section 4(3)**

*A reference in this Act to exempted development shall be construed as a reference to development which is—*

- (a) any of the developments specified in subsection (1), or*
- (b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.*

### **Section 5(1)**

See section 1 of this report.

## **Planning and Development Regulations 2001 to 2023 as amended**

### **Article 5(2)**

*In Schedule 2, unless the context otherwise requires, any reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground*

level, and for that purpose “ground level” means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situated or is to be situated is not uniform, the level of the lowest part of the ground adjacent to it.

**Article 6(1)**

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

**Article 9**

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

**S.I. No. 605 of 2022 Amendment of Part 1 of Schedule 2 to Planning and Development Regulations 2001**

2. Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) is amended by inserting the following class after Class 20E:

<p><b>Column 1</b></p> <p><b>Description of Development</b></p>	<p><b>Column 2</b></p> <p><b>Conditions and Limitations</b></p>
<p><b>CLASS 20F</b></p> <p>Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.</p>	<p>1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.</p> <p>2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022<sup>1</sup> comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001<sup>2</sup>.</p> <p>3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.</p> <p>4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.</p> <p>5. The relevant local authority must be notified of locations where change of use is</p>

	<i>taking place prior the commencement of development.</i>
	<i>6. ‘displaced persons’, for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.</i>
	<i>7. ‘international protection’, for the purpose of this class, has the meaning given to it in <u>section 2 (1) of the International Protection Act 2015 (No. 66 of 2015).</u></i>
	<i>8. ‘temporary protection’, for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.”</i>

### **Article 9 (1)**

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

- (a) (i) if the carrying out of such development would... contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
- (a) (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,*

### **ASSESSMENT**

It should be stated at the outset that the purpose of this report is not to determine the acceptability or otherwise of the proposal at this location in respect to the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so, falls within the scope of exempted development.

#### *Development*

The first issue for consideration is whether or not the matter at hand is ‘development’, which is defined in the Act as comprising two chief components: ‘works’ and / or ‘any material change in the use of any structures or other land’.

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

In relation to the proposed change of use of the Cube Building to residential accommodation for International Protection Applicants, it is clear that “any material change in the use of any structures or other land” comprises ‘development’. It is clearly therefore ‘development’ within the meaning of the Act.

### **CONCLUSION** **Is development**

#### *Exempted development*

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

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

It is considered that the proposal comes within **subsection (2) of section 4**, i.e. the Regulations, and not subsection (1).

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

It is not considered that the proposal comes within the scope of section 4(1) of the Act.

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

It is therefore necessary to consider whether the proposed temporary change of use comes under the scope of section 4(2) (i.e. exemptions specified in the Regulations), having regard to the use of the word 'or' in section 4(3).

It is considered that article 6 and **Class 20F** applies, as the development is for the temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection.

Having assessed the proposed development against Class 20F and its conditions and limitations, the following is considered:

Class 20F states a specific list of uses for which any structure, or part of a structure, may be changed to a temporary use to accommodate or support displaced persons or persons seeking international protection

The list of uses is as follows:

- school,
- college,
- university,
- training centre,
- social centre,
- community centre,
- non-residential club,
- art gallery,
- museum,
- library,
- reading room,
- sports club or stadium,
- gymnasium,
- hotel,
- convention centre,
- conference centre,
- shop,
- office,
- Defence Forces barracks,
- light industrial building,
- airport operational building,
- wholesale warehouse or repository,
- local authority administrative office,

- play centre,
- medical and other health and social care accommodation,
- event and exhibition space,
- any structure or part of structure normally used for public worship or religious instruction

This list of uses includes the use of a structure as an office. The permitted building has a Business and Technology use, which is also considered to include for office use.

Considering the above, it is considered that the change of use of an office to a residential accommodation for International Protection Applicants comes within the scope of Class 20F.

It is noted however that the existing building is within the Seveso consultation zone associated with Goulding's Chemicals on Centre Park Road. It would appear that the building is located partially within the middle and outer consultation zones. Some development types are restricted in these consultation zones in accordance with HSA guidance. Further information should be requested ensure that the applicant engages with the HSA with regards to the location and type of proposed development to ensure that the proposed development is acceptable within these zones

It is also considered that further information should be requested in relation to clarifying the details of the question posed to the Planning Authority, namely:

1. That the proposal is for a Temporary Change of use only (in accordance with the requirements of Class 20F of Part 1 of schedule 2 of the Planning and Development Regulations 2001 (as amended));
2. To confirm the question to the Planning Authority with regards to what sections of the building are proposed for the change of use, i.e. If it is not proposed to change the basement then this should not be included within the question.

#### ***Restrictions on exemption***

It is not considered that any apply in this instance.

## **CONCLUSION**

### **Further Information Required**

#### **ENVIRONMENTAL ASSESSMENT**

The provisions of sections 4(4), 4(4A) and 177U(9) of the Act are noted which state,

##### *Section 4(4),*

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

##### *Section 4(4A)*

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

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

#### Section 177U(9)

*In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.*

#### 8.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 and Schedule 7 of the Planning and Development Regulations 2001, as amended it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly it is considered that **environmental impact assessment is not required**.

#### 8.2 Screening for Appropriate Assessment

The applicant has not submitted an appropriate assessment screening report. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of these European sites. Accordingly it is considered that **appropriate assessment is not required**.

#### RECOMMENDATION

It is recommended that the following further information be sought:

1. In relation to Class 20F the following is noted:

##### *CLASS 20F*

##### **Temporary use by or....**

The intention of the request is not clear as the question in Section 3 of the application form does not indicate that the proposed use is of a temporary nature only, and it is considered that only a Temporary change of use may be applied for under Class 20F.

The applicant is requested to clarify the details of the question posed to the Planning Authority, namely, that the proposal is for a Temporary Change of use only (in accordance with the requirements of Class 20F of Part 1 of schedule 2 of the Planning and Development Regulations 2001 (as amended)).

2. It is noted that the question in Section 3 of the application form also includes for the change of use of the basement floor area. It is further noted however that the cover letter submitted indicates that the basement is not proposed for a change of use. Additionally, no proposed drawings for the change of use of the basement have been submitted.

The applicant is requested to clarify, and revise the question posed to the Planning Authority in relation to whether the basement area is proposed for a change of use and, if so, proposed floor plans for this area should be provided.

**Advisory Note**

1. It is noted that the existing building comes within the Seveso Consultation Zone associated with Goulding's Chemicals on Centre Park Road. It would appear that the building is located partially within the middle and outer consultation zones. Some development types are restricted in these consultation zones in accordance with HSA guidance.

The applicant is advised to engage with the HSA with regards to the location and type of proposed development to ensure that the proposed development is acceptable within these zones.



---

Eoin Cullinane  
Executive Planner  
19/03/2025



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Lucy Teehan  
SEP  
19/3/2025



# Comhairle Cathrach Chorcaí Cork City Council

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

Cherryinn Limited  
c/o Susan Cullen,  
McCutcheon Halley,  
6, Joyce House,  
Barrack Square,  
Ballincollig.  
P31 YX97

20/03/2025

**RE: Section 5 Request.**

**R918/25: The Cube Building, Monahan Road, Ballintemple**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on the 20<sup>th</sup> of February 2025, I wish to advise as follows:

The Planning Authority has been tasked with determining whether the temporary change of use of the basement, ground, first, second and third floors of the Cube Building from office use to accommodate or support displaced persons or persons seeking international protection (Class 20F) is exempted development.

It is recommended that the following **FURTHER INFORMATION** be sought:

1. In relation to Class 20F the following is noted:

CLASS 20F  
Temporary use by or....

The intention of the request is not clear as the question in Section 3 of the application form does not indicate that the proposed use is of a temporary nature only, and it is considered that only a Temporary change of use may be applied for under Class 20F.

The applicant is requested to clarify the details of the question posed to the Planning Authority, namely, that the proposal is for a Temporary Change of use only (in accordance with the requirements of Class 20F of Part 1 of schedule 2 of the Planning and Development Regulations 2001 (as amended)).



**We are Cork.**



# Comhairle Cathrach Chorcaí Cork City Council

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

2. It is noted that the question in Section 3 of the application form also includes for the change of use of the basement floor area. It is further noted however that the cover letter submitted indicates that the basement is not proposed for a change of use.

Additionally, no proposed drawings for the change of use of the basement have been submitted.

The applicant is requested to clarify, and revise the question posed to the Planning Authority in relation to whether the basement area is proposed for a change of use and, if so, proposed floor plans for this area should be provided.

It is also noted that the existing building comes within the Seveso Consultation Zone associated with Goulding's Chemicals on Centre Park Road. It would appear that the building is located partially within the middle and outer consultation zones. Some development types are restricted in these consultation zones in accordance with HSA guidance.

The applicant is advised to engage with the HSA with regards to the location and type of proposed development to ensure that the proposed development is acceptable within these zones.

It is thus considered that **FURTHER INFORMATION** is required to process the application.

Is mise le meas,

*Anthony Angelini*

**Anthony Angelini**  
**Assistant Staff Officer**  
**Planning & Integrated Development**  
**Cork City Council**



**We are Cork.**

The Secretary  
Planning Department  
Cork City Council  
City Hall  
Cork

03 April 2025

**Re: Request for a section 5 Declaration seeking confirmation that the temporary change of use of the basement, ground, first, second and third floors of the Cube building from office use to accommodate or support displaced persons or persons seeking international protection (Class 20F) at The Cube Building, Monahan Rd, Ballintemple, Cork, is exempted development.**

Dear Sir or Madam,

Thank you for your email dated 20/03/2025 requesting further information and 01/04/2025 clarifying that a response from the HSA is not required in order to proceed with the application. In response to the request for further information;

1. I have enclosed a revised application form clarifying that the proposed change of use is 'temporary'.
2. There are no changes proposed to the basement layout, therefore please refer to the existing floor plans.

We have written to the HSA requesting clarification that the proposal for the site complies with their health and safety policy. I have enclosed correspondence to reflect this for your records.

To clarify, enclosed is;

- Revised application form,
- Copy of correspondence showing email sent to HSA and copy of email showing response from HSA.

I trust you will find the enclosed satisfactory.

Yours sincerely



Susan R. Cullen  
**McCutcheon Halley**

Thank you for contacting HSA - CAS-23626-Y4N9 HSA:0145538



Contact Us <contactus@hsa.ie>  
To [redacted]

Reply Reply All Forward

Wed 30/04/2025 11:55

Follow up Start by Thursday 3 April 2025. Due by Thursday 3 April 2025.  
If there are problems with how this message is displayed, click here to view it in a web browser.

**NOTE:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear [redacted]

Thank you for contacting the Health and Safety Authority. This is to confirm that we have received your correspondence which has been recorded and assigned the reference number CAS-23626-Y4N9

Just as your details are kept confidential, any dealings we have with duty holders and employers in relation to the matter you have raised must also remain confidential. Under health and safety legislation we cannot provide you with details of any specific actions taken or the outcome.

Yours sincerely

HSA Contact Centre

Please do not respond to this email as the account is not monitored. Visit [www.hsa.ie](http://www.hsa.ie) for further information and guidance on workplace safety, health, and welfare matters.

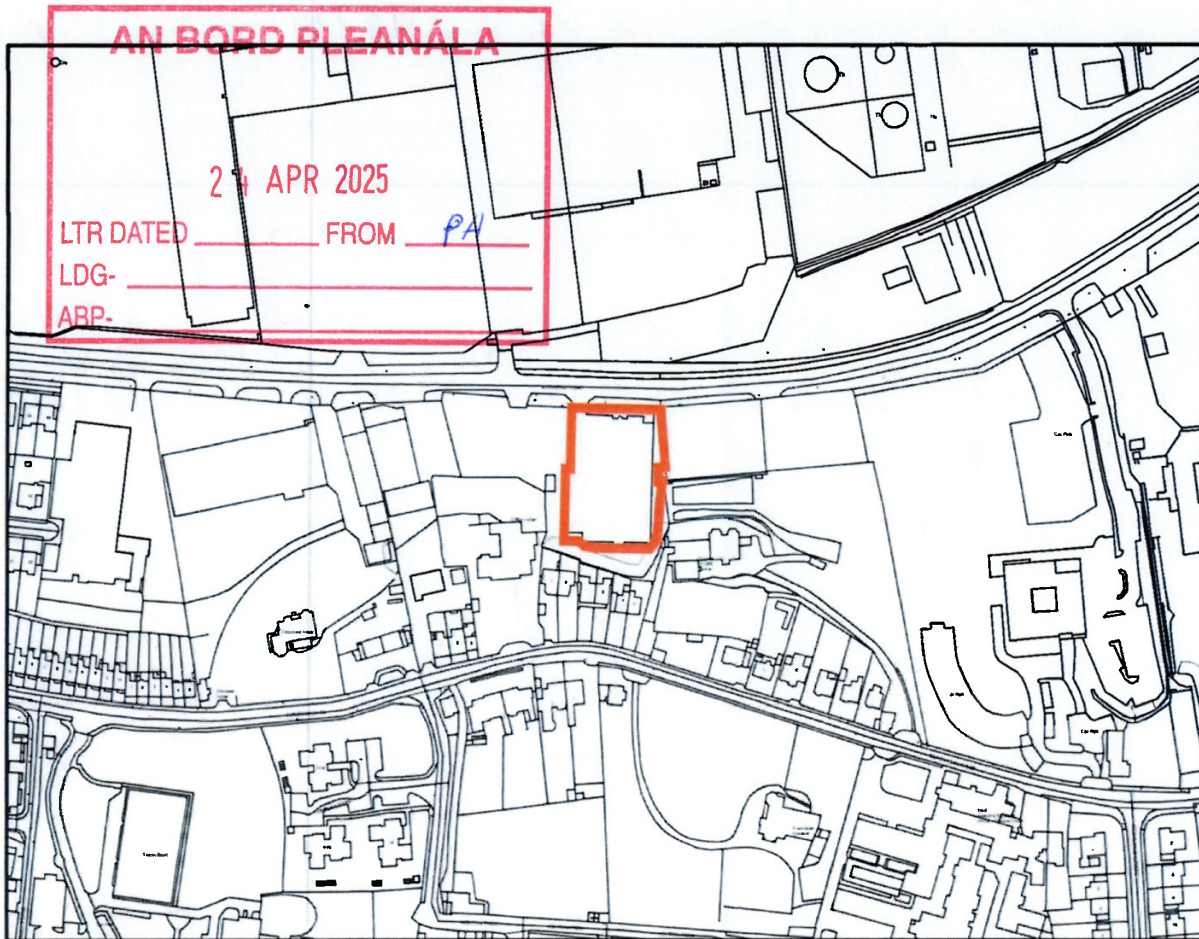
\*\*\*\*\*

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The Health and Safety Authority, its servants or agents, accept no liability for any errors or omissions in the information provided in this correspondence or for any loss or damage occasioned to any person as a result of using the information provided.

This footnote also confirms that this email message has been swept for the presence of computer viruses.

\*\*\*\*\*



**PROPOSED O.S. MAP.  
SCALE 1:2500.**

**Description:**  
=====

Digital Landscape Model (DLM)

**Publisher / Source:**  
=====

Tailte Éireann

**Data Source / Reference:**  
=====

PRIME2

**File Format:**  
=====

Autodesk AutoCAD (DWG\_R2013)

**File Name:**  
=====

v\_50445456\_1.dwg

**Clip Extent / Area of Interest (AOI):**  
=====

LLX,LLY= 568807.1305,571301.0581  
LRX,LRY= 569390.1305,571301.0581  
ULX,ULY= 568807.1305,571731.0581  
URX,URY= 569390.1305,571731.0581

**Projection / Spatial Reference:**  
=====

Projection= IRENET95\_Irish\_Transverse\_Mercator

**Centre Point Coordinates:**  
=====

X,Y= 569098.6305,571516.0581

**Reference Index:**  
=====

Map Series | Map Sheets  
1:1,000 | 6383-12

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Gach cead ar cosnamh.

Ní ceadmhach aon chuid  
den fhoilseachán seo  
a chóipeáil, a atáirgeadh nó a tharchur  
in aon fhoirm ná ar aon  
bhealach gan cead i scríbhinn roimh  
ré ó úinéirí an chóipchirt

Ní hionann bóthar,  
bealach nó cosán a bheith  
ar an léarscáil seo agus  
fianaise ar chead slí.

Ní thaispeánann an léarscáil  
topagrafach seo teorainneacha  
réadmhaoinne dlíthiúla,  
agus ní léiríonn sé úinéireacht  
ar ghnéithe fisiceacha.

CORK CITY COUNCIL  
 PLANNING & DEVELOPMENT  
 04 FEB 2025  
 DEVELOPMENT MANAGEMENT