



Comhairle Cathrach Chorcaí Cork City Council

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

Simon Swain
AIB Sourcing, Property
and Security
2 HSQ
St Johns Rd
Dublin 8

11/10/19

RE: Section 5 Declaration R538/19 66 South Mall

A Chara,

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

Assessment & Recommendation

- The applicant has included photographs of the proposed wall/hatch and metal frame and rubber strips which would be attached to the cash hatch.
- The applicant states that the purpose of the proposed development is to protect the wall from the Cash In Transit van and notes that the might be that the metal frame is not needed depending on how the van aligns with the hatch –and in that case the rubber strips will be attached directly to the wall.
- The structure is not a Protected Structure and as such should be assessed under Section 57 of the Act. The proposed fixture does not materially affect the character of the structure or any element of the structure which contribute to its special interests.
- The hatch is located in a rear yard area behind gated access to the street to rear and therefore not visible.

Having regard to the nature of the works and to Section 2(1), 3(1), and Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as outlined above I consider that the work 'is development' and 'is exempted development'.



We are Cork.

Misa le meas,

Paul Hartnett
Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council

SECTION 5 DECLARATION – PLANNER'S REPORT

File Reference: R 538/19

Description: Whether the installation of rubber strips attached to a metal frame around the cashlink hatch to the rear of the building is or isn't development and is or isn't exempted development.

Applicant: AIB Bank

Location: 66 South Mall, Cork

PURPOSE OF REPORT

Under Section 5 of the Planning and Development Act, 2000 (as amended), if any question arises as to what, in any particular case, is or is not development and is or is not exempted development within the meaning of the Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

SITE LOCATION

The site is located on at 66 South Mall, Cork. This building is a Protected Structure (PS 375) and is on the National Inventory of Architectural Heritage (ref 20514256). The location of the cashlink hatch is within the bank complex in a rear yard area and would not be visible from the public roads of either South Mall or Marlborough Street.

Subject Development

The installation of rubber strips attached to a metal frame around the cashlink hatch to protect the wall from the CITY van (as it backs towards same).

RELEVANT LEGISLATION

Planning and Development Act 2000 (as amended)

Section 2(1),

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

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

Section 3(1),

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

Section 4(1)(h),

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

...

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

Section 5(1),

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

As the structure of 66 South Mall is a Protected Structure, normal planning exemptions do not apply. I refer to the following in the Planning and Development Act (as amended):

Section 57.

(1) Notwithstanding section 4 (1)(h), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Sub-threshold EIS

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

Appropriate Assessment

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

Assessment & Recommendation

- The applicant has included photographs of the proposed wall/hatch and metal frame and rubber strips which would be attached to the cash hatch.
- The applicant states that the purpose of the proposed development is to protect the wall from the Cash In Transit van and notes that the might be that the metal frame is not needed depending on how the van aligns with the hatch –and in that case the rubber strips will be attached directly to the wall.
- The structure is not a Protected Structure and as such should be assessed under Section 57 of the Act. The proposed fixture does not materially affect the character of the structure or any element of the structure which contribute to it special interests.
- The hatch is located in a rear yard area behind gated access to the street to rear and therefore not visible.

Having regard to the nature of the works and to Section 2(1), 3(1), and Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as outlined above I consider that the work 'is development' and 'is exempted development'.



Gwen Jordan McGee,

Senior Executive Planner.



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

A13 66 SOUTHMALL, 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.

A13 WOULD LIKE TO INSTALL RUBBER STRIPS ATTACHED TO A METAL FRAME (SEE PICTURE OF EXAMPLE) AROUND THE CASH LINK MATCH TO PROTECT THE WALL FROM THE C.I.T VAN. IT MIGHT BE THAT THE METAL FRAME IS NOT NEEDED IT WILL DEPEND ON HOW THE CASH VAN ALIGNS WITH THE MATCH, IN THIS CASE THE RUBBER STRIPS WILL BE ATTACHED TO THE EXISTING MATCH.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

THE METAL FRAME WILL BE BOLTED TO THE WALL

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

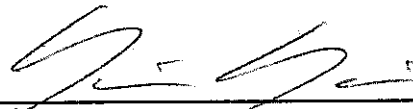
4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		ALLIED IRISH BANKS PLC
Applicants Address	AIB SOURCING, PROPERTY AND SECURITY 2 HSR ST JAMES ROAD DUBLIN 8	
Person/Agent acting on behalf of the Applicant (if any):	Name:	SIMON SWAIN
	Address:	AIB SOURCING, PROPERTY AND SECURITY 2 HSR ST JAMES ROAD DUBLIN 8
	Telephone:	01 641 7248
	Fax:	_____
	E-mail address:	Simon.p.swain@aib.ie
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		

6.1 / We confirm that the information contained in the application is true and accurate:

Signature: _____


Date: _____
27/9/2011

ADVISORY NOTES:

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

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

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

The application should be sent to the following address:

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

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

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

DATA PROTECTION

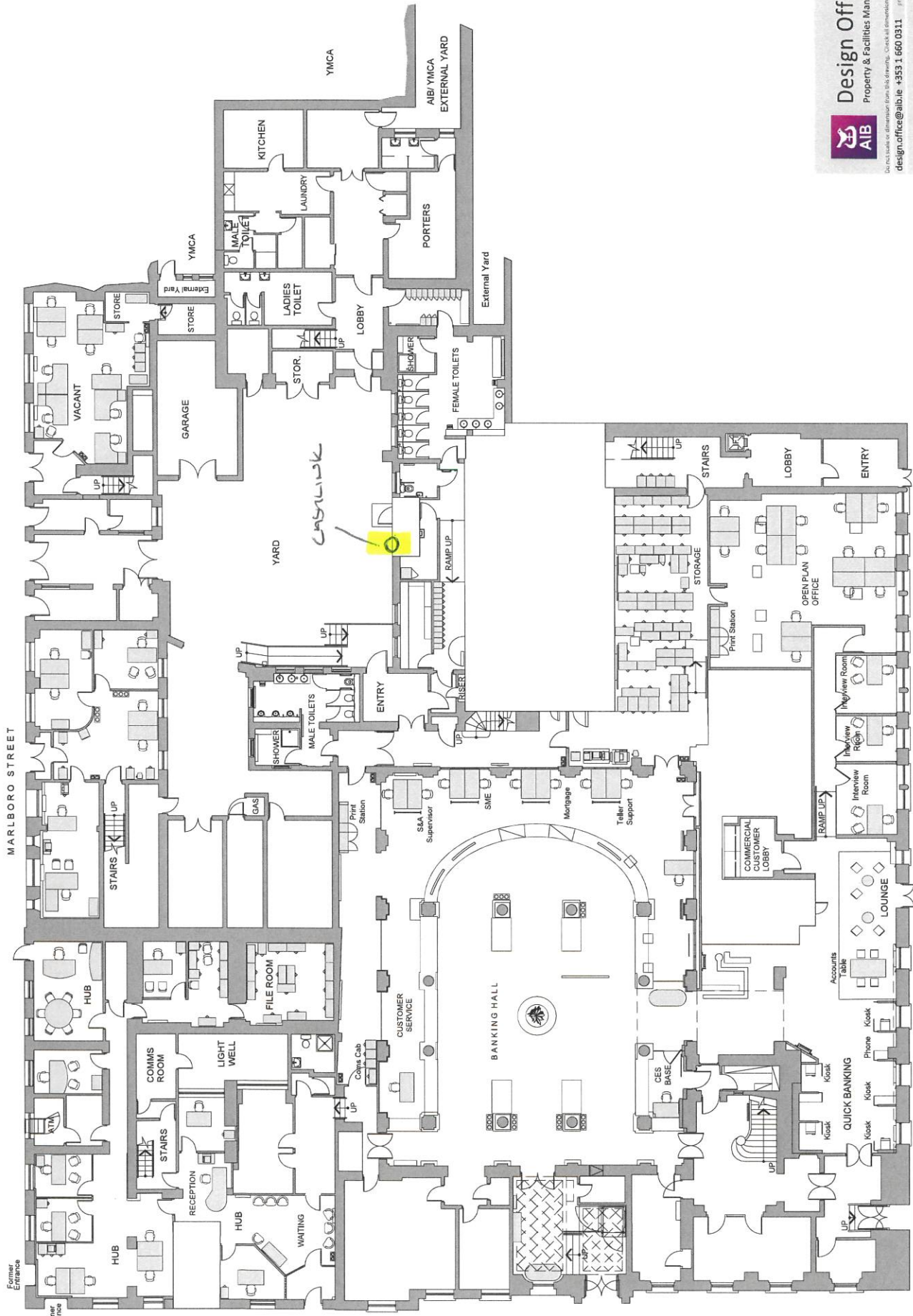
The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution



Historic Environment Viewer

Help Home (NMS) Home (NIAH)



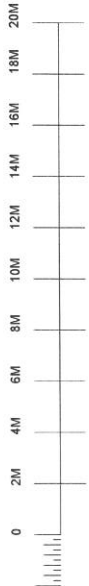


MARLBORO STREET

Former Entrance

SOUTH MALL

COOK STREET



GROUND FLOOR PLAN

Design Office
 Property & Facilities Management
 AIB
 design.office@aib.ie +353 1 660 0311 / #region:BW / #region:BW-CKA

Drawn by: Margaret Ruxton
 Date: 14 Jun 19
 Scale: 1:100
 Project: 30 Jul 19 14:27
 Facilities Management CS CR CA CX CV FM

Ground Floor Plan
 Space Management Plan
 Has updated: 14 Jun 19
 Planned by: Margaret Ruxton
 30 Jul 19 14:27
 Approved status: Facilities Management

Do not scale or dimension from this drawing. Check all dimensions prior to construction of any work.





