



Comhairle Cathrach Chorcaí Cork City Council

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

Ulster Bank Ltd.,
c/o Tate Stevenson Architects,
Unit 1,
Rawdon Court,
Main Street,
Moira,
Craigavon BT67 0LP,
Northern Ireland.

10/05/2023

**RE: Section 5 Declaration R778/23 Ulster Bank Ltd., Units 6-7
Watergold Buildings, Douglas, Co. Cork T12 XF34.**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 20th April 2023, and further information received 02nd May 2023, I wish to advise as follows:

The Planning Authority, having regard to:

- The particulars received by the Planning Authority on 20/04/2023 and 02/05/2023,
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended), and
- The provision of *Schedule 2, Part 1, Class 1* of the Planning and Development Regulations 2001 (as amended),


It is considered that *the removal of an ATM with new wall finish to match existing, removal of shopfront signage and projecting signs, removal of night safe facing plates and replacement with blanking plates, and removal of the general Ulster Bank merchandising signage* **IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT.**



We are Cork.

Under Section 5(3)(a) of the Planning and Development Act, 2000, you may, on payment of the appropriate fee, refer this declaration for review by An Bord Pleanála within 4 weeks of the date it is issued, 10th May 2023.

Is mise le meas,



Kate Magner
Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council

PLANNER'S REPORT		Cork City Council Development Management Strategic Planning and Economic Development
Ref. R778/23		
Application type	Section 5 Declaration	
Description	Whether the removal of ATM with new wall finish to match existing, removal of shopfront signage and projecting signs, removal of night safe facing plates and replacement with blanking plates, and removal of the general Ulster Bank merchandising signage is accepted as exempted development.	
Location	Units 6-7 Watergold Buildings, Douglas, Cork T12 XF34.	
Applicant	Ulster Bank	
Date	6/14/2023	
Recommendation	Constitutes development; is Exempted Development	

This report is to be read in conjunction with the previous planning report, dated 26.04.2023, which requested further information.

FURTHER INFORMATION ASSESSMENT

Further Information was requested on 26.04.2023. A response to same was received on 02.05.2023. The further information requested was as follows:

It is noted that the drawings submitted for 'Elevation 2- Existing' and 'Elevation 2- Proposed' are the same. An updated 'Elevation 2- Proposed' must be provided for the Planning Authority to fully assess the proposals. Further information in the form of an updated 'Elevation 2- Proposed' drawing should be submitted.

The applicant has submitted the required updated drawing 'Elevation 2-Proposed'. This demonstrates that the proposed works would not materially affect the external appearance of this elevation so as to render the appearance inconsistent with the character of the building it forms part of, and as such are considered exempted development under the provisions of Section 4(1)(h).

ADDITIONAL ENVIRONMENTAL ASSESSMENT

I note the provisions of sections 4(4), 4(4A) and 177U(9) of the Act 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.

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 response to the further information relating to 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**.

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 response to the further information relating to the proposed development would not affect the integrity of these European sites. Accordingly, it is considered that **appropriate assessment is not required**.

RECOMMENDATION

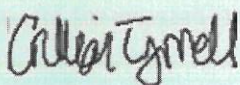
Recommendation

Having regard to:

- the particulars received by the Planning Authority on 20.04.2023 and 02.05.2023,
- Sections 2, 3, and 4 of the Planning and Development Act 2000 as amended, and
- the provision of Schedule 2, Part 1, Class 1 the Planning and Development Regulations, 2001(as amended)

the planning authority considers that —

the removal of an ATM with new wall finish to match existing, removal of shopfront signage and projecting signs, removal of night safe facing plates and replacement with blanking plates, and removal of the general Ulster Bank merchandising signage **IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT**.



Gillian Tyrrell
Assistant Planner
09.05.2023



Comhairle Cathrach Chorcaí Cork City Council

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

Ulster Bank Ltd.,
c/o Tate Stevenson Architects,
Unit 1,
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Northern Ireland.

26/04/2023

**RE: Section 5 Declaration R778/23 Ulster Bank Ltd., Units 6-7
Watergold Buildings, Douglas, Co. Cork T12 XF34.**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 20th April 2023, I wish to advise under the provisions of section 5(2)(b) of the Planning and Development Act 2000, as amended, that further information is required in order to properly assess this application.

It is noted that the drawings submitted for 'Elevation 2- Existing' and 'Elevation 2- Proposed' are the same. An updated 'Elevation 2- Proposed' must be provided for the Planning Authority to fully assess the proposals. Further information in the form of an updated 'Elevation 2- Proposed' drawing should be submitted.

Is mise le meas,

Kate Magner
Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council



We are Cork.

SECTION 5 DECLARATION – PLANNER’S REPORT

File Reference: R 778/23
Description: Whether the removal of ATM with new wall finish to match existing, removal of shopfront signage and projecting signs, removal of night safe facing plates and replacement with blanking plates, and removal of the general Ulster Bank merchandising signage is accepted as exempted development.
Applicant: Ulster Bank
Location: Units 6-7 Watergold Buildings, Douglas, Cork T12 XF34.

SUMMARY OF RECOMMENDATION

Constitutes development; further information requested

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 on the periphery of Douglas district centre with commercial premises to the north and east and residential development to the south and west. The site consists of a ground floor unit (unit 6-7) within a four-storey building. It is bounded on the east by the R610 regional road to Rochestown and by a minor road to the west. Access to the car park is from the minor road to the west. The four-storey building comprises office/commercial use on the ground floor with apartments on the upper floors.

SUBJECT DEVELOPMENT

The removal of an ATM with new wall finish to match existing, removal of shopfront signage and projecting signs, removal of night safe facing plates and replacement with blanking plates, and removal of the general Ulster Bank merchandising signage.

PLANNING HISTORY

The relevant planning history listed in the appeal file is summarized as follows:

- | | |
|---------------|--|
| TP 98/2921: | Permission granted for the construction of a building comprising 8 commercial units with 24 apartments above. |
| TP 99/3344: | Permission refused for the change of use of first floor apartments (nos. 5 - 8) to commercial use. |
| PL 04.112887: | (S/00/3631) Permission refused for the change of use of first floor apartments (nos. 5 - 8) to commercial use. |

- PL 04.214185 (TP 05/4553) Planning permission granted for the change of use of 4 no. apartments (nos. 13 - 16) to office use and modifications to car park to provide additional car parking spaces and all associated works.
- TP 05/4553 Planning permission refused for the change of use of 4 no. apartments (nos. 13 - 16) for office use and modifications to car park to provide additional car parking spaces and all associated works. This was subsequently approved on appeal.
- TP 22/41020 Planning permission granted for the change of use of Unit 2 from vacant office unit to a medical clinic with new signage, and all associated site development works.

RELEVANT LEGISLATION

Planning and Development Act 2000 (as amended)

Emphasis added where relevant.

Section 2(1),

"alteration" includes –

(a) plastering or painting or the removal of plaster or stucco, or

(b) the replacement of a door, window or roof,

That materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;

"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.

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 detailed drawings indicating the changes. The changes involve the removal of various elements of signage from three elevations of the building. It is also proposed to remove the ATM from 'Elevation 1' and to replace with a wall to match the existing.

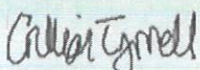
The proposals as shown on Elevations 1 and 3 appear to constitute works under the definition in the Act as it involves *"the act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure."*

In this instance, the provisions of Section 4(1)(h) apply. As the works constitute the removal of an ATM and signage it is considered that they would 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, and as such are considered exempted development.

It is noted that the drawings submitted for 'Elevation 2- Existing' and 'Elevation 2- Proposed' are the same. An updated 'Elevation 2- Proposed' must be provided for the Planning Authority to fully assess the proposals. This is requested by way of further information.

Conclusion

It is noted that the drawings submitted for 'Elevation 2- Existing' and 'Elevation 2- Proposed' are the same. An updated 'Elevation 2- Proposed' must be provided for the Planning Authority to fully assess the proposals. Further information in the form of an updated 'Elevation 2- Proposed' drawing should be submitted.



Gillian Tyrrell
Assistant Planner
26.04.2023

**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

Fón/Tel: 021-4924564/4321

Líonra/Web: www.corkcity.ie

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

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

ULSTER BANK LTD, UNITS 6-7 WATERGOLD BUILDINGS, DOUGLAS, CO CORK T12 XF34

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.

Removal of ATM with new wall finish to match existing, removal of shopfront signage and projecting signs,
removal of night safe facing plates and replacement with blanking plates,
and removal of the general Ulster Bank merchandising signage is accepted as exempted development.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

DEVELOPMENT MANAGEMENT

COP

20 APR 2023


CORK CITY COUNCIL

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) _____
(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)
Bank ----- -----	Bank ----- -----

4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):	ULSTER BANK LTD	
Applicants Address	Ulster Bank Ltd, 36 St Andrews, Edinburgh, Scotland, EH2 2YB	
Person/Agent acting on behalf of the Applicant (if any):	Name:	Tate Stevenson Architects
	Address:	Unit 1, Rawdon Court, Main St, Moira, Craigavon BT67 0LP
	Telephone:	028 9261 1222
	Fax:	
	E-mail address:	
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: 20/04/2023

.....

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

