



Comhairle Cathrach Chorcaí Cork City Council

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

Lorcan Daly
McGovern Surveyors,
85 Merrion Square South
Dublin 2

12/01/2021

RE: R628/20– Section 5 Declaration
Property: 34 Cornmarket Street, Cork

Dear Sir/Madam,

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

- The applicant has included detailed drawings and photographs of the existing and proposed replacement doors which incorporate the upgraded locking system. An Architectural Heritage Impact Assessment has also been submitted in support of the Section 5 application.
- The applicant states that the proposed development is essential refurbishment required to improve the energy performance and the security of the business which occupies this unit.
- It is acknowledged by the applicant that the ground floor retains an interesting limestone façade with simple Art Deco detailing dating from the early twentieth century. The current entrance has already resulted in significant alterations as it was originally a window opening. The application proposes that the replacement glazing panels be inserted into the existing channels where possible. The original limestone pilasters and carved band overhead would be protected during this process.
- The appearance of the proposed doors would differ in that the enhanced locking mechanism would be visible at both the top and base of the entrance doors, and a new locking element visible behind the door handles. However, the degree of this visual change in comparison to the existing doors is so small as not to be considered harmful as such.
- Subject to the works being carried out in a sympathetic manner as set out in the Architectural Heritage Impact Assessment and the façade being appropriately protected during insertion of the replacement doors, the proposal would not materially affect the character of the structure or any element of the structure which contribute to its special interests.



We are Cork.

SECTION 5 DECLARATION – PLANNER’S REPORT

File Reference: R 628/20
Description: Whether the removal of existing modern frameless glass double doors and glazed screens to the front elevation and replacement of same with new to match existing with improved/upgraded locking arrangement is or isn’t development and is or isn’t exempted development.
Applicant: Paddy Power
Location: 34 Cornmarket Street, 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 at 34 Cornmarket Street, Cork. The unit has entrances on both Cornmarket Street and Paul Street. The entrance doors in question are located on the Cornmarket Street elevation. This building is a Protected Structure (ref: PS 968) and is on the National Inventory of Architectural Heritage (ref: 205126910).

Subject Development

The removal of existing modern frameless glass double doors and glazed screens to the front elevation and replacement of same with new to match existing with upgraded locking arrangement.

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 34 Cornmarket Street 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 detailed drawings and photographs of the existing and proposed replacement doors which incorporate the upgraded locking system. An Architectural Heritage Impact Assessment has also been submitted in support of the Section 5 application.
- The applicant states that the proposed development is essential refurbishment required to improve the energy performance and the security of the business which occupies this unit.
- It is acknowledged by the applicant that the ground floor retains an interesting limestone façade with simple Art Deco detailing dating from the early twentieth century. The current entrance has already resulted in significant alterations as it was originally a window opening. The application proposes that the replacement glazing panels be inserted into the existing channels where possible. The original limestone pilasters and carved band overhead would be protected during this process.
- The appearance of the proposed doors would differ in that the enhanced locking mechanism would be visible at both the top and base of the entrance doors, and a new locking element visible behind the door handles. However, the degree of this visual change in comparison to the existing doors is so small as not to be considered harmful as such.

- Subject to the works being carried out in a sympathetic manner as set out in the Architectural Heritage Impact Assessment and the façade being appropriately protected during insertion of the replacement doors, the proposal would not materially affect the character of the structure or any element of the structure which contribute to its special interests.

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'.

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

Date: 09th December 2020

Comhairle Ceithreach Chroí
Cork City Council
22 DEC 2020
Strategic Planning & Economic
Development Directorate

Re: Section 5 Declaration Application

Dear Sir / Madam,

In accordance with the Planning and Development Act 2000 (as amended), I enclose herewith an application pursuant under section 5 thereof concerning proposed works to the property located at 34 Cornmarket Street, Cork City. The proposed works comprise:

“ The removal of existing modern frameless glass double doors and glazed screens to the front elevation and replacement of same with new to match existing; with improved / upgraded locking arrangement”

I enclose herewith the following documentation in support of this application:

- 1nr. copy of the completed Application Form
- 1nr. copy - Existing Front Elevation
- 1nr. copy - Proposed Front Elevation
- 1nr. copy - Detail 01
- 1nr. copy - Site Location Map @ 1:1000 (*produced under OSi licence AR 0049120*)
- 1nr. copy – Architectural Heritage Impact Assessment (*John Cronin & Associates*)
- Planning Application fee @ €80

I trust the enclosed is sufficient in determining our application. If you require any further information please do not hesitate to contact me at any time.

Yours sincerely,

Lorcan Daly B.Sc. (Hons) Building Surveying

mcgovern
surveyors 

85 Merrion Square, Dublin 2,
t: 089 2155 448 e: lorcan@mcgovernsurveyors.ie
w: www.mcgovernsurveyors.ie



**COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL**

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

R-Phost/E-Mail planning@corkcity.ie

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

34 CORNMARKET STREET, CORK CITY
CO. CORK.

Community Culture & Planning
22 DEC 2020

2. QUESTION/ DECLARATION DETAILS

PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT: ^{VED}

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 EXISTING MODERN FRAMLESS GLASS DOUBLE DOORS AND GLAZED SCREENS TO FRONT ELEVATION AND REPLACEMENT OF SAME WITH NEW TO MATCH EXISTING; WITH IMPROVED / UPGRADED LOCKING ARRANGEMENT.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

NO ALTERATIONS ARE PROPOSED TO THE EXISTING HISTORIC STONEMARK OR SHOPFRONT.

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

Signature:  _____

Date: 07.12.20 _____

.....

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

JOHN CRONIN & ASSOCIATES

ARCHAEOLOGY | CONSERVATION | HERITAGE | PLANNING

Section 5 Declaration of Exemption Application Nos. 32-34 Cornmarket Street, Cork City

Architectural Heritage Impact Assessment



Prepared by
John Cronin & Associates
3a Westpoint Trade Centre
Link Road
Ballincollig
Co. Cork

On behalf of
Paddy Power
c/o McGovern Surveyors
85 Merrion Square,
Dublin 2

December 2020



Document Control Sheet

<i>Rev</i>	<i>Status</i>	<i>Author(s)</i>	<i>Reviewed By</i>	<i>Approved By</i>	<i>Office of Origin</i>	<i>Issue Date</i>
01	Draft	John Cronin & Ita O'Brien	Ita O'Brien	John Cronin	Cork	03/12/20
02	Final	John Cronin & Ita O'Brien	Ita O'Brien	John Cronin	Cork	11/12/20

© 2020 Cultural Resource Management and Planning. Ltd. 'John Cronin & Associates; is a trading name of Cultural Resource Management and Planning. Ltd. All Rights Reserved. Cultural Resource Management & Planning Ltd has used reasonable skill, care and diligence in compiling this report and no warranty is provided as to the report's accuracy. Cultural Resource Management & Planning Ltd is not responsible for any errors or omissions, or for the results obtained from the use of information outlined in this report. No part of this report may be copied or reproduced, by any means, without the written permission of Cultural Resource Management & Planning Ltd.

Contents

1. <i>Introduction</i>	1
2. <i>Context</i>	2
3. <i>Description of building</i>	5
4. <i>Assessment of impact</i>	6
5. <i>Conclusions</i>	8
6. <i>References/sources</i>	9
<i>Appendix: Photographic record</i>	10

1. Introduction

John Cronin & Associates have been commissioned by McGovern Surveyors, on behalf of their client Paddy Power, to prepare an Architectural Heritage Impact Assessment for replacement of modern glazing at an existing bookmakers' premises at Nos. 32 – 34 Cornmarket Street. This conservation report will be submitted in support of a Declaration of Exemption Application to Cork County Council under Section 5 of the Planning and Development Act 2000.

The ground floor façade of the building, built c. 1930, is listed as a protected structure (**RPS ref. no. PS968**) by the *Cork City Development Plan 2015-2021*. The building is also listed by the NIAH (**NIAH ref. no. 20512691**) as being significant. The site is currently occupied by a book maker and the existing entrance consists of glazed double doors and glazed panels set within a stone-cut clad opening.

The proposed works are restricted to the removal of the modern glazed entrance screen and its replacement with a similar but a better-sealed glazed door (with improved locking arrangements). No works to original authentic fabric is proposed.

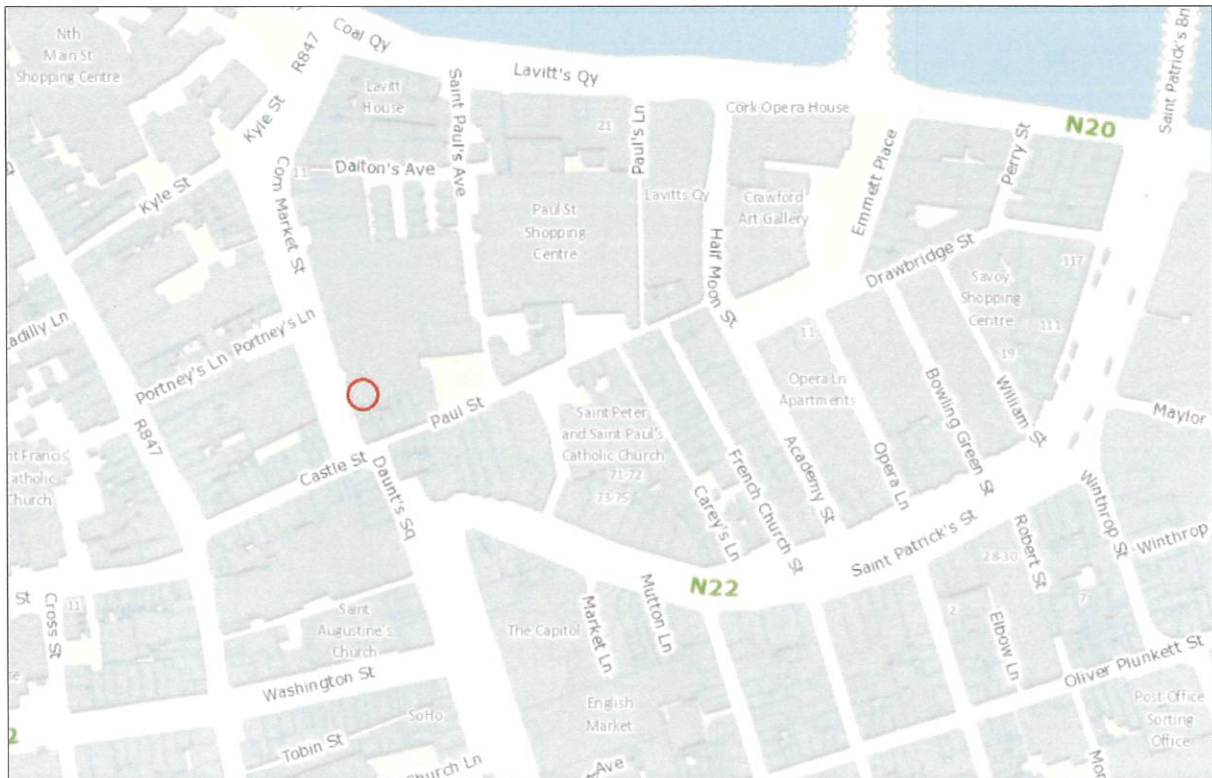


Figure 1: General location of subject site circled in red (Source: www.heritagemaps.ie)

This report is based on a programme of desktop research, site inspection and desk-based assessment. Two suitably qualified built heritage specialists, John Cronin and Ita O'Brien carried out inspections of the subject site, on 16/06/2020. The study area was assessed in terms of architectural heritage features. The results of the site inspection are detailed in Section 4 and extracts from the photographic record are presented in Appendix 1.

This report should be read in conjunction with the Section 5 Declaration Application Form, appropriate mapping and proposal drawings prepared by McGovern Surveyors.

2. Context

The subject site is located at Nos. 32-34 Cornmarket Street, Cork City. The building is currently occupied by Paddy Power Bookmakers with a second entrance on Paul Street.



Figure 2: Location of subject site (red outline)

Architectural Heritage

Protection of architectural heritage is provided for through a range of legal instruments that include the Heritage Act (1995), the Architectural Heritage (National Inventory) & National Monuments (Misc. Provisions) Act (1999), and the Planning and Development Act (2000). The National Inventory of Architectural Heritage (NIAH) was established under the Architectural Heritage Act (1999), to record architectural heritage structures within the State and to advise local authorities in relation to structures of architectural heritage significance within their administrative areas. The conservation principles of care and protection of architectural heritage and the facilitation of the listing of significant buildings of architectural merit are set out in Part IV of the Planning and Development Act (2000). This requires Local Authorities to maintain a Record of Protected Structures (RPS) of structures with special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, to be included in City/County Development Plans. In addition, Local Authorities must provide for the preservation of townscapes etc. through designation of Architectural Conservation Areas (ACAs). Any changes that materially affect the character of a protected structure require planning permission.

The Cornmarket Street entrance, which is the location of the proposed new glazing, borders but is not within the North Main Street ACA. The ground floor façade is listed as a protected structure (**RPS ref. no. PS968**) by the *Cork City Development Plan 2015-2021*. The building is also listed by the NIAH (**NIAH ref.**

no. 20512691) as being significant. The following NIAH description dates to 1996 and the upper floors of the building were redeveloped c. 2010.

Terraced four-bay two-storey former industrial building with integral carriage arch, built c. 1930, now in use as offices and partly vacant. Flat roof with red brick parapet. Red brick walls with render platband and having parapet to first floor. Ashlar limestone to ground floor, with plinth, tapered pilasters and having carved band above. Metal casement windows to first floor. Timber matchboard doors to carriage arch. Timber shopfront inserted to south bay, c. 2000, and timber boarded opening to north bay.

The building has been appraised by the NIAH as follows:

This building is an interesting early twentieth-century addition to this predominantly nineteenth-century street. This building is of apparent architectural design and is representative of twentieth-century architecture in Ireland at that time. The building retains many interesting features and materials, such as the metal casement windows and red brick. The carved limestone tapered pilasters and band to the ground floor are particularly notable and unusual features of the building.

Historical background

Located outside the medieval city walls, Cornmarket Street was once the location of a quay wall for unloading goods and a marketplace from the early nineteenth century. Cornmarket Street gets its name from the Corn Market which was first built on the street in 1739. It continues as an area for street traders to the present day.

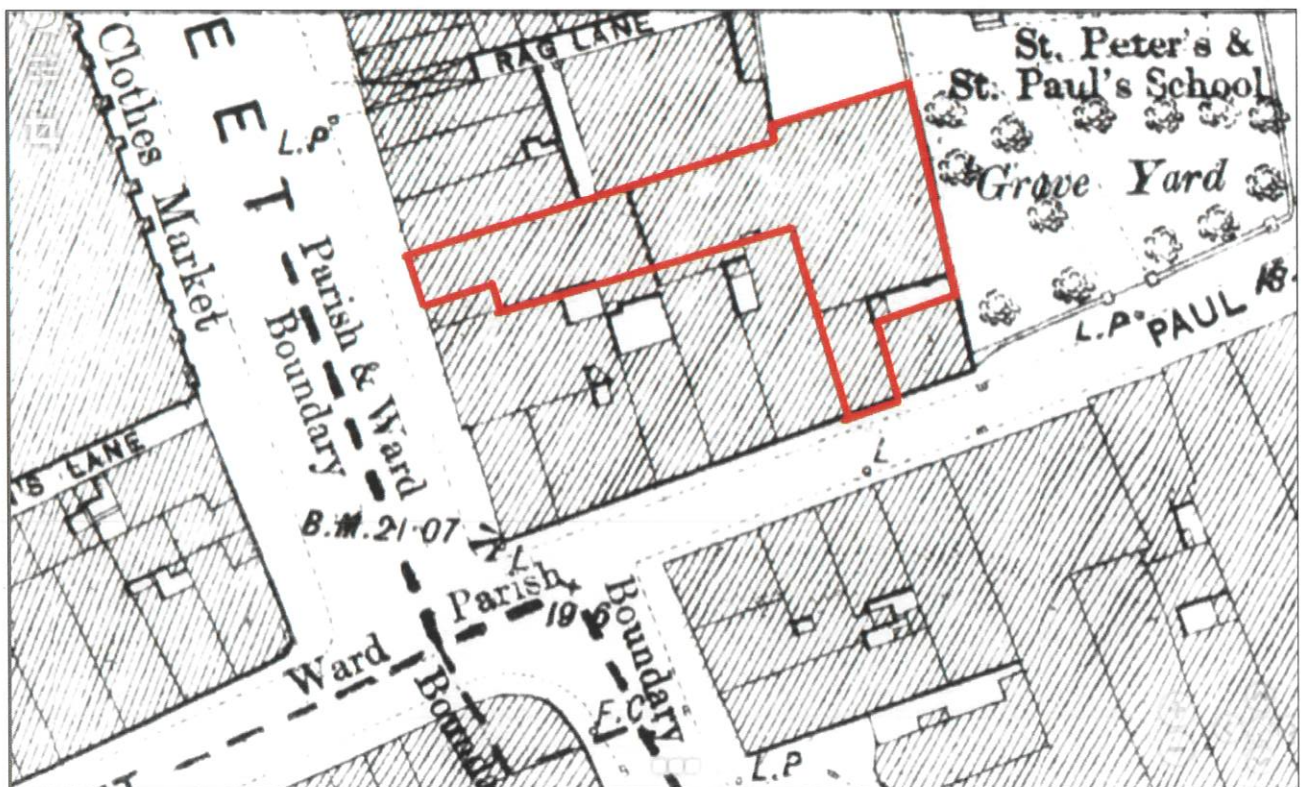


Figure 3: Extract from 25" Ordnance Survey map c. 1892 (Source:www.heritagemaps.ie)

The 25" Ordnance Survey map of c. 1892 (**Figure 3**) shows the site is occupied by nineteenth-century terraced buildings which were recorded in Goad's Fire Insurance map of 1915 as a shop and two public houses. By 1929, these buildings were demolished and the site was vacant.

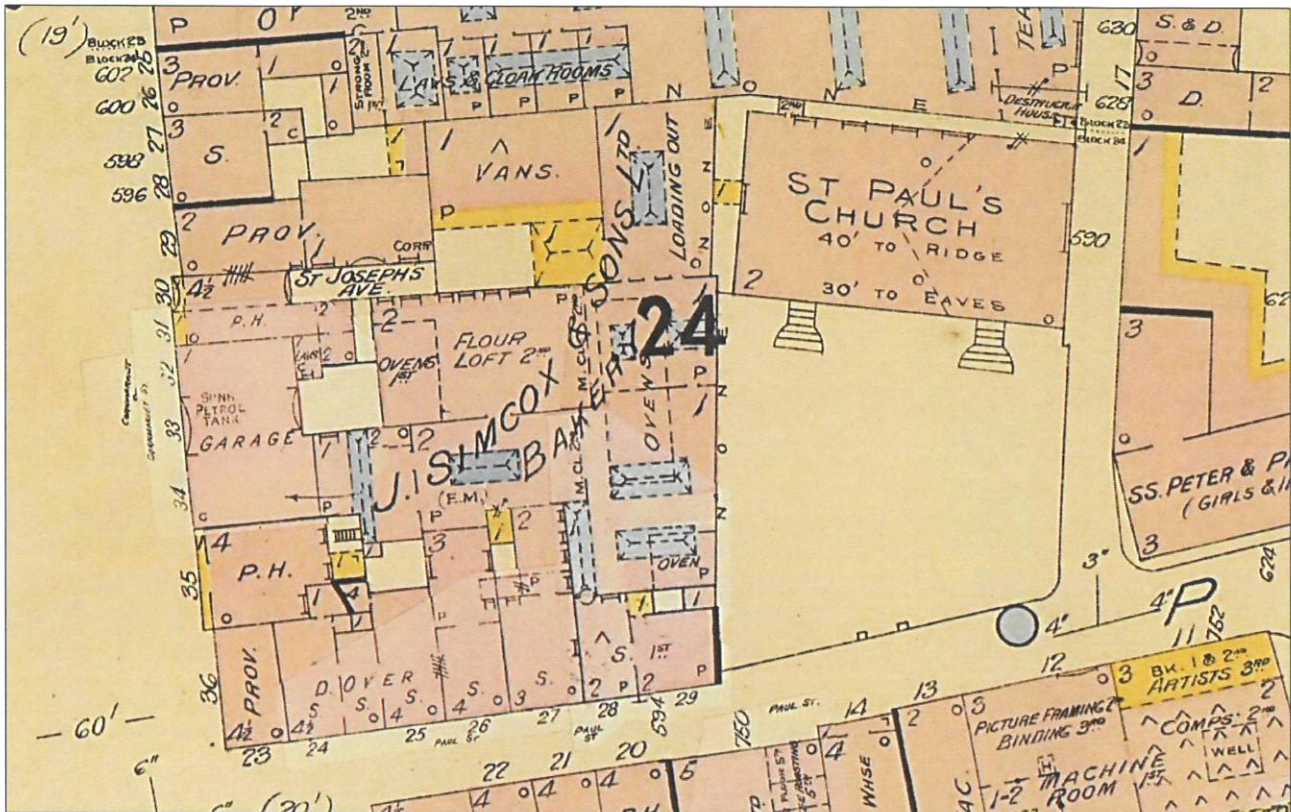


Figure 4: Extract from Goad's Fire Insurance map c. 1935 with subject building recorded as garage
(Source: www.corkpastandpresent.ie)

Goad's Fire Insurance map of 1935 (**Figure 4**) shows the subject building occupying the site at this time with a garage to the street frontage associated with the Simcox Bakery Company to the rear. The building is recorded as a single-storey structure with a concrete roof. The brick-built first floor was constructed c. 1960s, Goad's Fire Insurance map of 1961 records it as a two-storey building with a flat felt roof. Later in the twentieth century the site was occupied as a goods entrance by Guy and Company. The upper floors were redeveloped in conjunction with a large development on Cornmarket Street in c.2010.

3. Description of building

The building is a mid-terrace, four-bay, four-storey structure originally built c. 1930 as a single-storey industrial building associated with J. Simcox and Sons Bakery. The site was originally occupied by a garage with a central vehicular entrance and is currently sub-divided into three separate retail spaces. The ground floor has an ashlar limestone façade with tapered pilasters and a simple carved band with horizontal lines and scroll detail in Art Deco style. The ground floor façade of the subject building is listed as a protected structure in the *Cork City Development Plan 2015-2021*. The stone-faced façade was constructed c. 1930 with a number of alterations over the years and the entrance which is the subject of this report was originally a window opening.

Originally the ground floor façade had a central vehicular access with a large, fixed window to either side, a third smaller window was located to the side which now functions as a doorway. All the openings have now been converted to doorways with some new stone plinth added to the central opening. Two openings have glazed shopfronts with uPVC frames while the subject entrance has fully glazed panels and doors; a separate uPVC doorway provides access to the upper floors.

The brick-built first floor was reconstructed c. 1960s, Goad's Fire Insurance map of 1961 records it as a two-storey building with a flat felt roof. The first floor was entirely rebuilt, and two upper floors set back from the façade were constructed c. 2010.

Assessment of significance

Although the building has been much altered, the ground floor retains an interesting limestone façade with simple Art Deco detailing. While the entrance has been altered, the façade retains the three original openings and the carved bands to the plinth are an unusual feature.

4. Assessment of impact

The ground floor façade is a protected structure (RPS ref. no. PS968). The building is also recorded by the NIAH (NIAH ref. no. 20512691) as being significant. The NIAH description dates to 1996 and the upper floors were redeveloped in c.2010. Although the building has been much altered, the ground floor retains an interesting limestone façade with simple Art Deco detailing, dating from the early twentieth century.

The existing shop front consists of a pair of glazed doors with glazed side and upper panels. It is proposed to replace the glazed screen with integral doors on a “like- for-like” basis. The replacement is necessitated in order to (a) improve sound and energy insulation within the ground-floor unit and (b) to provide increased security / locking arrangements.

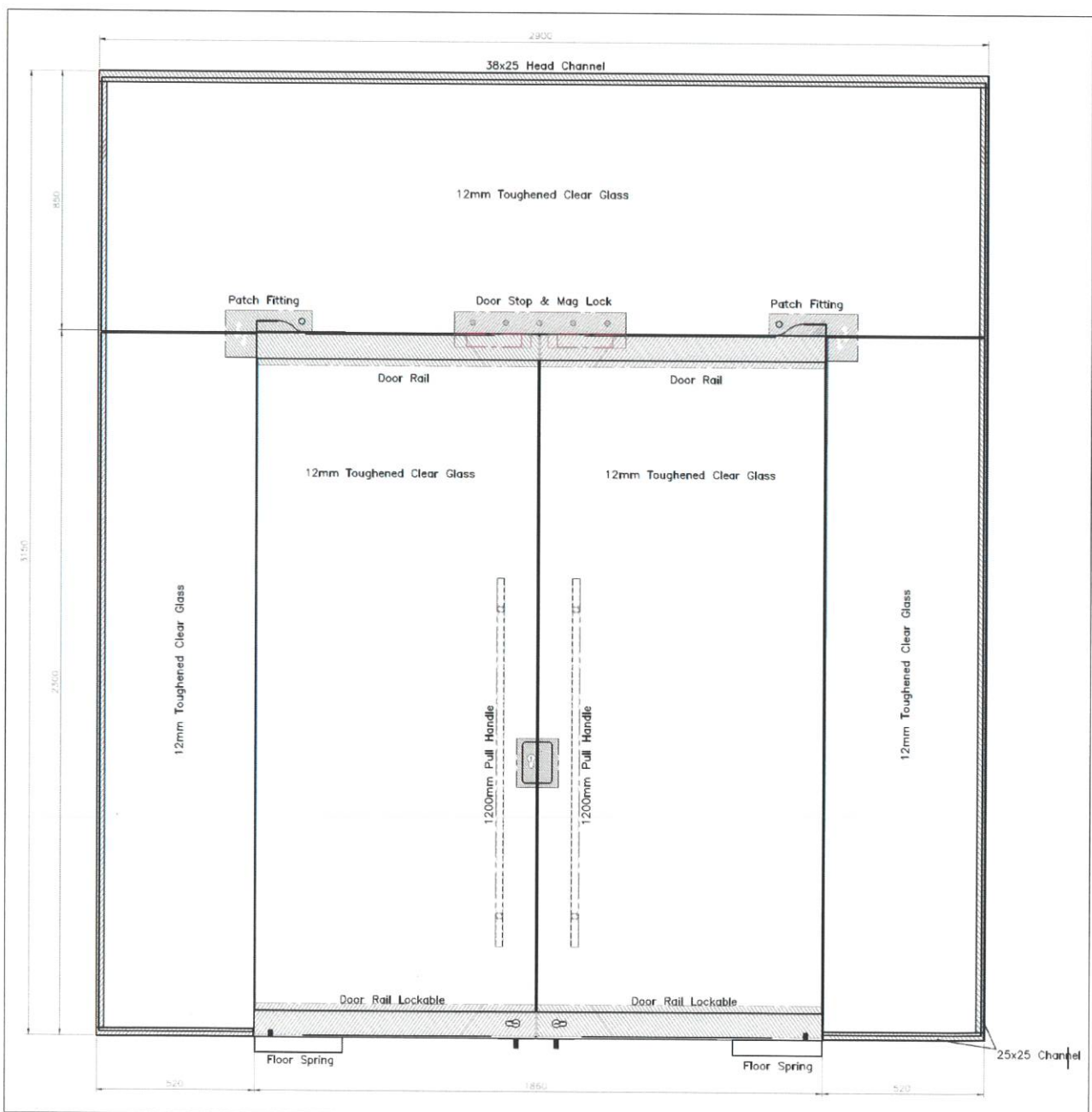


Figure 5: Detail of proposed replacement glazed screen and door

The current entrance is much altered as it was originally a window opening. Although some of the reveals have been replaced with concrete, the new glazing should be inserted into the existing channels, where possible, to minimise/remove the potential impact on the façade. The original limestone pilasters and carved band overhead will be protected during insertion of the new glazing.

5. Conclusions

John Cronin and Associates considers the proposals to replace the glazed entrance screen **will not** give rise to any architectural heritage impacts. The proposed works comprise essential refurbishment and will involve no loss of authentic/original fabric.

We believe the works can be deemed exempted development under the terms of Section 5 of the Local Government (Planning & Development) Act, 2000.

6. References/sources

Published works

Lewis, S. 1837 *A Topographical Dictionary of Ireland*, 2 vols, London: Samuel Lewis & Son.

Internet resources

Cork City Development Plan accessed 01/07/2020 <https://www.corkcity.ie/en/existing-cork-city-development-plan-2015-2021/>

Cork City Council, Cork City Libraries maps accessed 26/06/2020

<http://www.corkpastandpresent.ie/mapsimages/>

Department of Culture, Heritage and the Gaeltacht's Historic Environment Viewer, accessed 25/06/2020, <http://webgis.archaeology.ie/historicenvironment/>

National Inventory of Architectural Heritage (NIAH), accessed 28/06/2020
<http://www.buildingsofireland.ie/Surveys/Buildings/>

Appendix: Photographic record

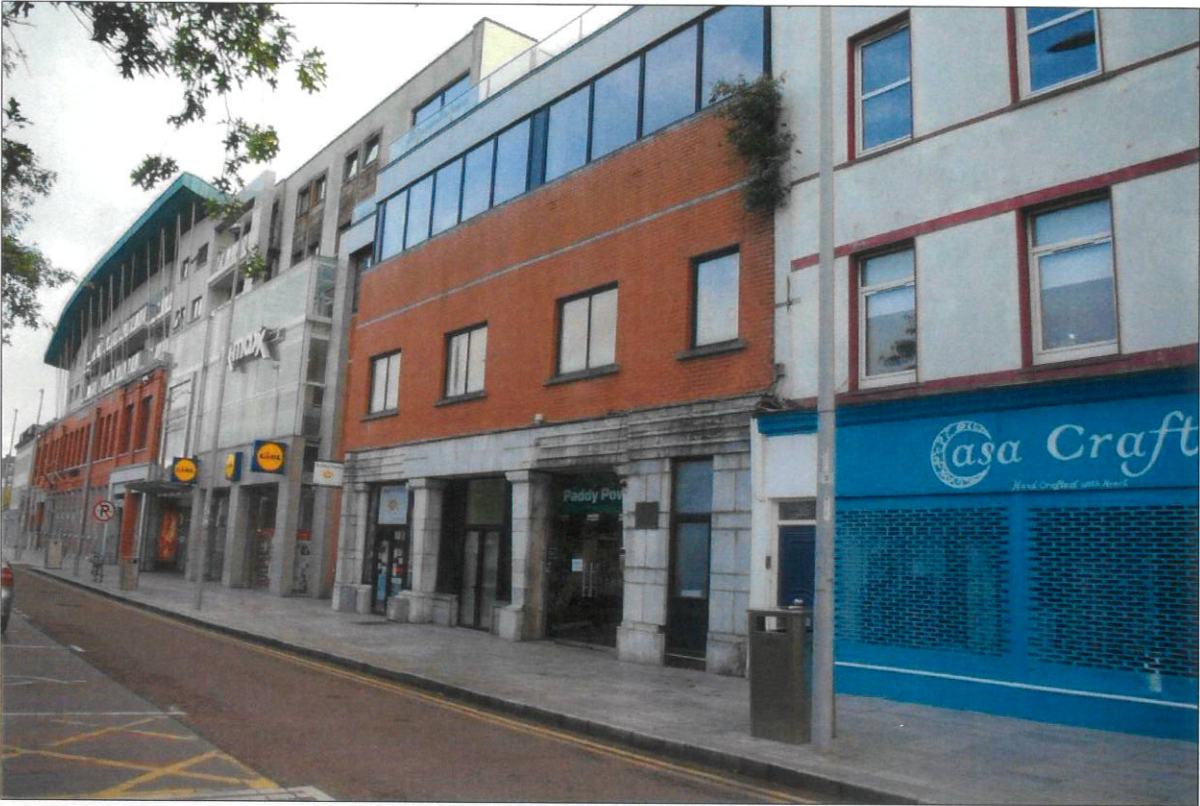


Plate 1: General view looking north on Cornmarket Street

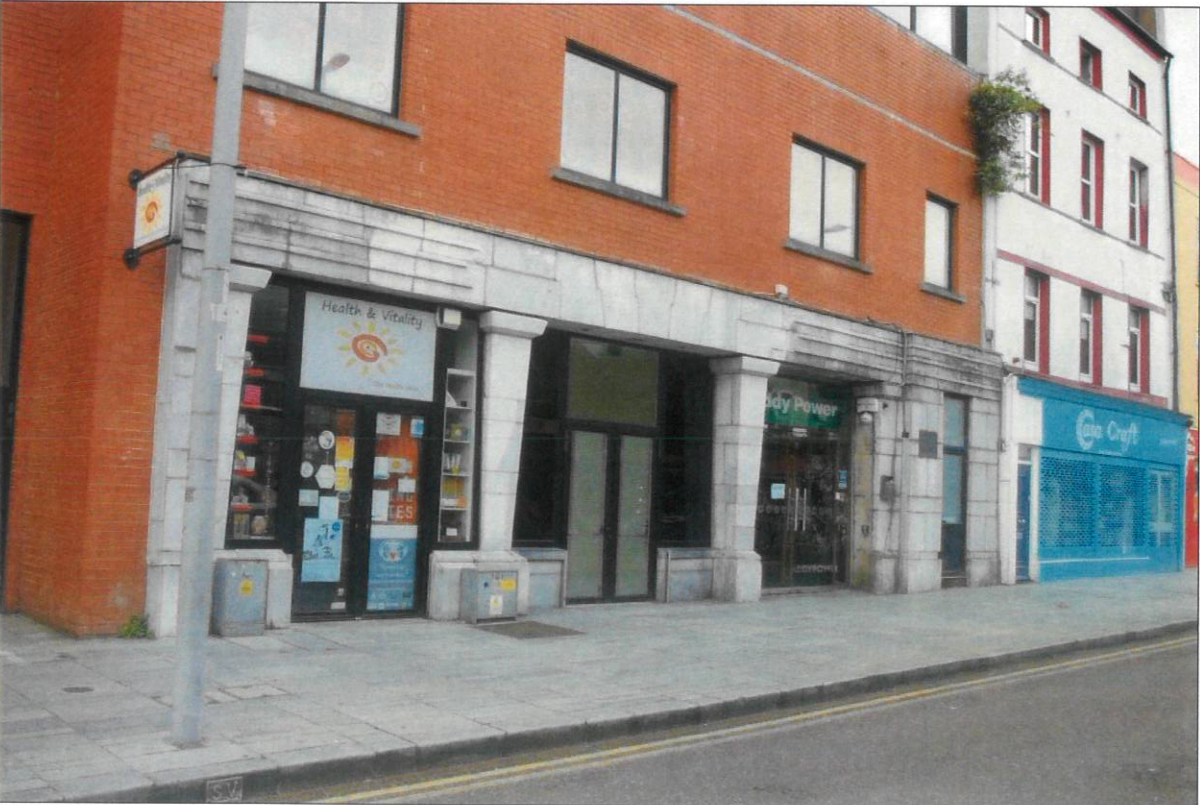


Plate 2: Cornmarket Street entrance

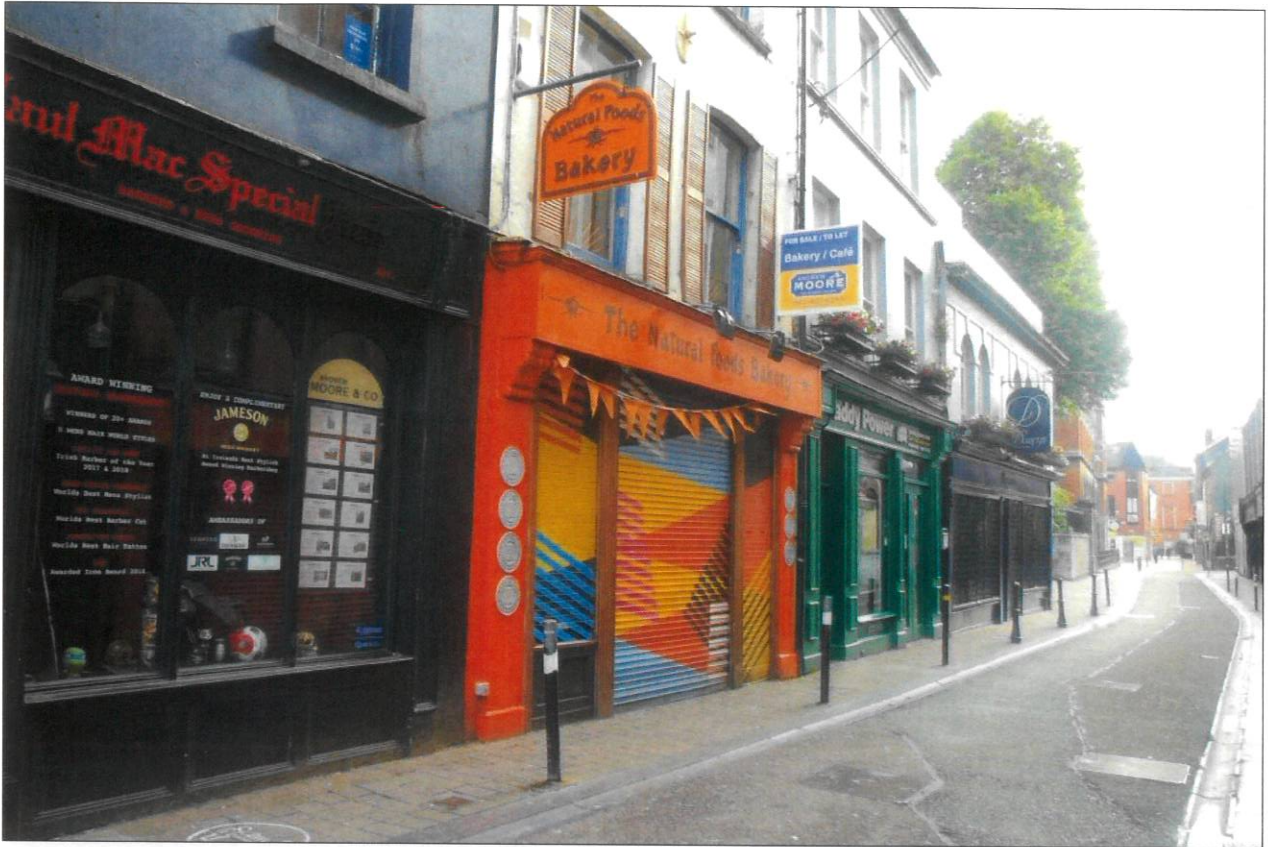


Plate 3: General view to entrance on Paul Street (There are no proposed changes to this entrance)

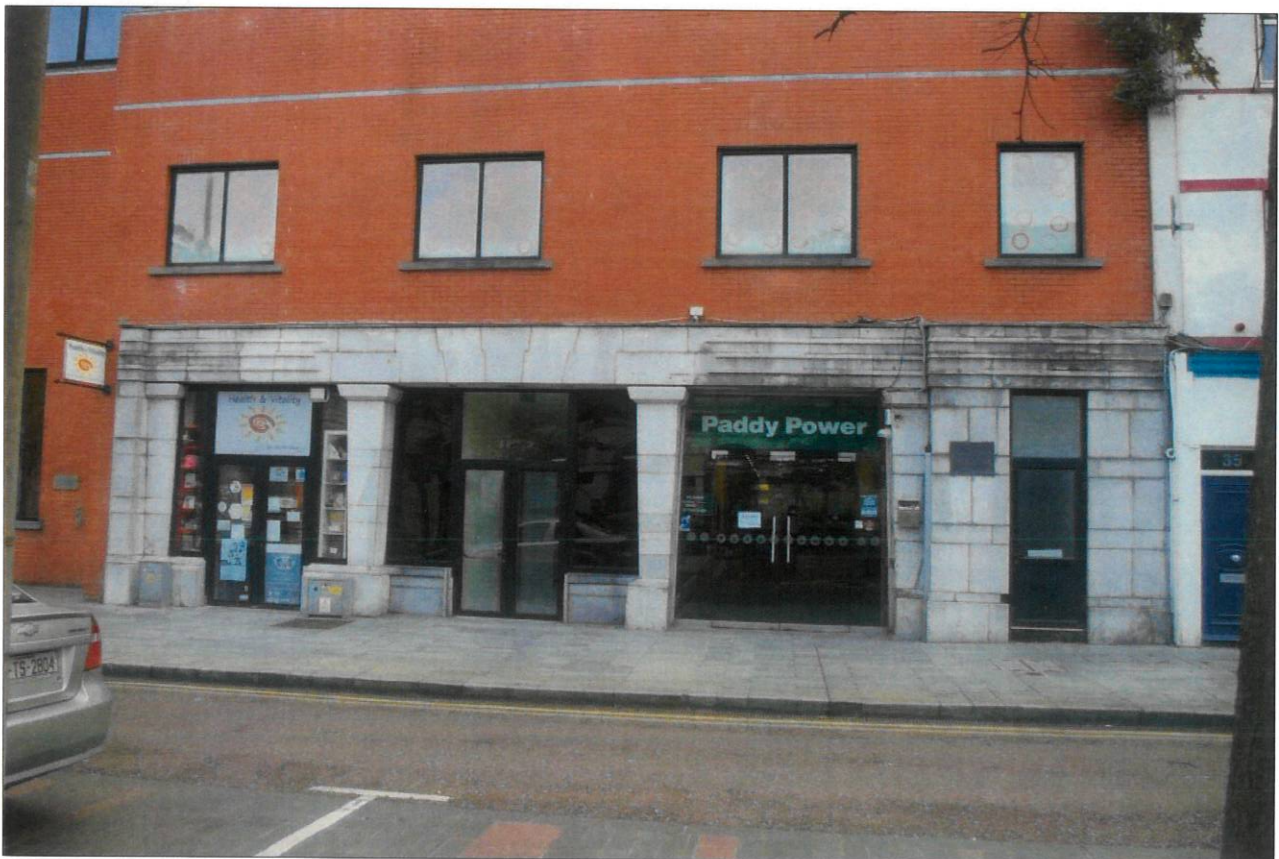


Plate 4: Front elevation



Plate 5: Existing entrance (left)



Plate 6: Existing entrance (right)



Plate 7: View to entrance from interior



Plate 8: Modern studwork to inside



Plate 9: Glass panel fitted inside stone facade