

## CORK CITY COUNCIL – Planner’s Report – Section 5 Declaration

**File** R468/18

**Reference:**

**Development Description:** To remove existing iroko and plywood cladding from drivers building and replace with new insulated cladding panels.

**Applicant:** Iarnrod Eireann

**Location:** Kent Railway Station, Cork

**Date:** 10/04/2018

### SUMMARY OF RECOMMENDATION

The proposed development is **Development**  
and is **Exempted Development**

### SECTION 5(1) OF THE PLANNING AND DEVELOPMENT ACT 2000

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.

### DEVELOPMENT DESCRIPTION

The question before the Planning Authority is: *Is the removal of existing iroko and plywood cladding from drivers building and replacement with new insulated cladding panels exempted development?*

### SITE DESCRIPTION

The site is located within the Kent Railway Station site and comprises the drivers building which adjoins the main entrance to the station.

### RECENT PLANNING HISTORY

TP 16/37030 Permission GRANTED for removal of timber structure at Platform 5 known as the Signal Cabin. Making good to 2 no. existing structural openings in the brick wall in that location. Installation of an aluminium glazing system set into a stainless steel frame with an external sunscreen. Making good to the platform finish where demolition has occurred and cleaning and making good to the existing brickwork exposed after demolition to match existing.

TP 14/36130 Permission GRANTED for alterations to entrance including two new entrance buildings; new bi-directional road linking railway street / Alfred Street and Horgan’s Quay new car park with 140

- spaces; repairs to rear side of the railway station, minor repairs to Goods Depot and the Signal Cabin.
- TP 13/35599 Permission **GRANTED** for similar type development to TP 14/36130, the main difference between this application and TP 14/36130 being the scale and design of the proposed entrance building.
- TP 11/34888 Retention permission **GRANTED** for continued use of car park granted for 5 years on the previous application TP 06/30577.
- TP 08/33565 Split decision issued for a temporary 2 year permission for car park No. 1 while permission was refused for car park no. 2 on appeal to ABP.
- TP 06/31542 Permission **REFUSED** for mixed use development consisting of over 276 apartments on part of the overall landholding. Amongst the reasons cited for refusal included the conclusion that the development was effectively piecemeal development of a larger development.

## STATUTORY PROVISIONS

The following statutory provisions are relevant:

### Planning and Development Act 2000 (as amended) (section)

- Section 2 (1) *"In this Act, except where the context otherwise requires... 'development' has the meaning assigned to it by section 3..." and "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 works on, in, over or under land or the making of any material change in the use of any structures or other land."*
- Section 4 (2) 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 57 (1) F211 F211[Notwithstanding section 4(1)(a), (h), (i), F212[(ia)] (j), (k), or (l) and any regulations made under section 4(2),] 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.
- Section 82 (1) F208 [Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2)] the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

#### **Planning and Development Regulations 2001 (as amended) (article)**

- Article 6 (1) *“Subject to article 7, 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 (1) *“Development to which article 6 relates shall not be exempted development for the purposes of the Act—*
  - (a) *if the carrying out of such development would—*
    - (i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
    - ...
    - (xii) *further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in the development plan for the area or, pending the variation of a development plan or the making of a*

*new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.*

## **ASSESSMENT**

I interpret the applicant's question as *Whether the removal of existing iroko and plywood cladding from drivers building and replacement with new insulated cladding panels is development and is exempted development and is exempted development?*

The subject structure is located within Kent Railway Station within the curtilage of a Protected Structure. The site is not located within an Architectural Conservation Area.

The Planning and Development Act 2000 (as amended) defines 'works' as "*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.*"

The Act defines 'development' as follows: '*development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.*'

I am satisfied the proposed development comprises 'works' and is 'development'. The question then is whether the proposed works are exempted development?

Section 57(1) of the Planning and Development Act 2000 (as amended) states:

*Notwithstanding section 4(1)(a), (h), (i), (j), (k), or (l) and any regulations made under section 4(2), 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—*

- c) The structure, or*
- d) Any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.*

I am satisfied that the proposed works would not materially affect the character of the protected structure or any element of the structure which contributes to its

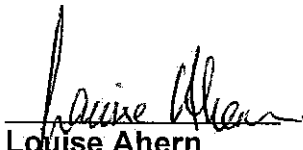
special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

**RECOMMENDATION**

Having regard to:

- The particulars received by the Planning Authority on 16/03/2018;
- Section 57(1) of the Planning and Development Act 2000 (as amended)

It is considered that the removal of existing iroko and plywood cladding from drivers building and replacement with new insulated cladding panels **Is Development and Is Exempted Development.**



**Louise Ahern**  
Assistant Planner  
10/04/18



Halla na Cathrach  
Corcaigh  
T12 T997

City Hall  
Cork  
T12 T997

Liam Murphy  
Building and Facilities Dept  
Iarnrod Eireann  
Heuston Station  
Dublin 8

13/04/18

**RE: Section 5 Declaration Kent Station Reference R468/18**

Dear Sir/Madam,

I am asked by Mr. Patrick Ledwidge, Director of Services, Strategic Planning & Economic Development to refer to your request for a section 5 Declaration at the above address.

Having regard to:

- The particulars received by the Planning Authority on 16/03/2018;
- Section 57(1) of the Planning and Development Act 2000 (as amended)

It is considered that the removal of existing iroko and plywood cladding from drivers building and replacement with new insulated cladding panels **Is Development and Is Exempted Development**.

Yours Faithfully,

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

16 MAR 2018

2017  
SECTION 5 For  
Report  
Due 16/04/18  
Paul

COMHAIRLE CATHRACH CHORCAÍ  
CORK CITY COUNCIL

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

R-Phost/E-Mail [planning@corkcity.ie](mailto:planning@corkcity.ie)  
Fón/Tel: 021-4924564/4321  
Líonra/Web: [www.corkcity.ie](http://www.corkcity.ie)

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

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

KENT RAILWAY STATION  
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.

IT IS OUR INTENTION TO REMOVE EXISTING IROKO AND PLYWOOD CLADDING FROM DRIVERS BUILDING AND REPLACE WITH NEW INSULATED CLADDING PANELS. IS THIS DEVELOPMENT EXEMPT UNDER SECTION 4 (1) (h) OF PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

SEE ENCLOSED E-MAIL DATED 27.11.17.

201/04/18  
 201/04/18  
 201/04/18  
 201/04/18

**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	360 M <sup>2</sup> - DRIVERS BUILDING.
(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) 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	

**4. APPLICANT/ CONTACT DETAILS**

Name of applicant (principal, not agent):		IARNROD EIREANN.
Applicants Address		CONNOLLY STATION, DUBLIN 1.
Person/Agent acting on behalf of the Applicant (if any):	Name:	Liam Murphy
	Address:	BUILDING AND FACILITIES DEPT. IARNROD EIREANN HEUSTON STATION DUBLIN 8.
	Telephone:	[REDACTED]
	Fax:	[REDACTED]
	E-mail address:	[REDACTED]
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: 1.3.2018.

.....

PAYMENT ADVICE

CORK CITY COUNCIL  
FAO MARY LORDAN  
COMMERCIAL RATES  
NEW CIVIC OFFICES, CITY HALL  
CORK.

Date: 20.02.2018  
Paybill No.: 808ER  
Advice No.: 2000037017  
Supplier No.: 104458

1700009359	31.01.2018	KENT STATION	80.00	0.00	Section 5 Planni
			80.00	EUR	

# The Complete Kingspan Wall System

*Evolution.*  
~~10.5 kg m<sup>2</sup>~~  
 11.5 kg m<sup>2</sup>



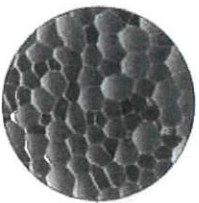
## Top Hats

A range of bespoke top hats in aluminium and steel designed to complement the Kingspan Wall Panel range.



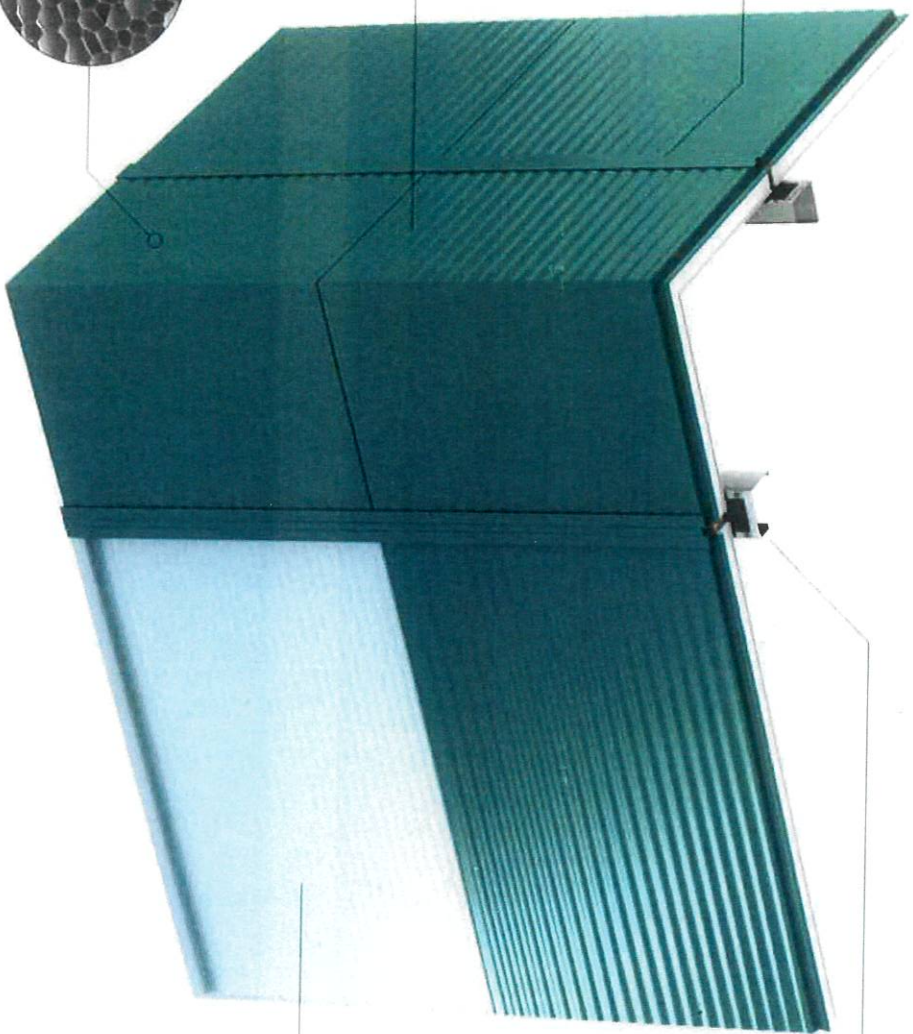
## Corners

Achieve insulation continuity and aesthetic design with our range of cranked and curved corners.



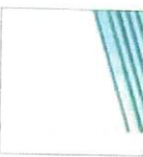
POWERED BY  
**QuadCore**  
 TECHNOLOGY

QuadCore Technology is Kingspan's next generation of self-blended hybrid insulation core.



## Structural Steel

A range of cold roll-formed structural products including purlins and rails.



## Kingspan Day-Lite Architectural

A fast-fit single component daylighting solution designed to integrate with Kingspan Architectural Wall Panels.

## Order a Product Sample

Tel: +44 (0) 1352 717251  
 Email: [samples@kingspan.com](mailto:samples@kingspan.com)

## Contact our Technical Team

Tel: +44 (0) 1352 716101  
 Email: [technical@kingspanpanels.com](mailto:technical@kingspanpanels.com)

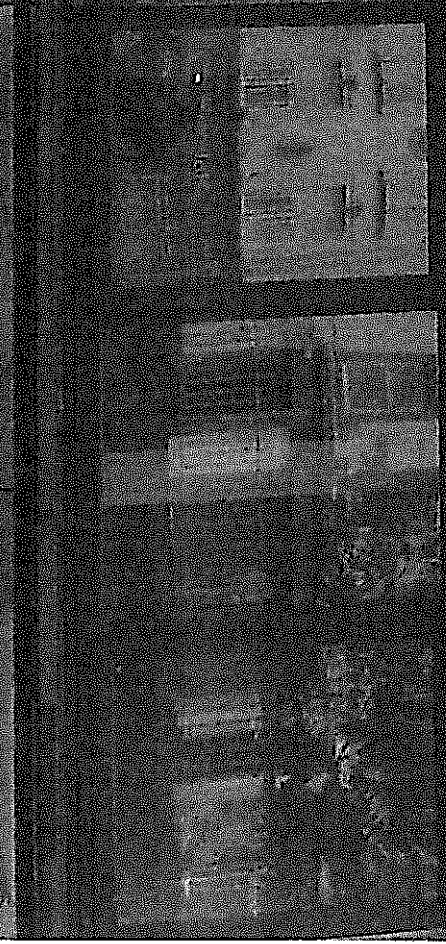
## Get a Quote

Tel: +44 (0) 1352 716400  
 Email: [KIPquotations@kingspan.com](mailto:KIPquotations@kingspan.com)



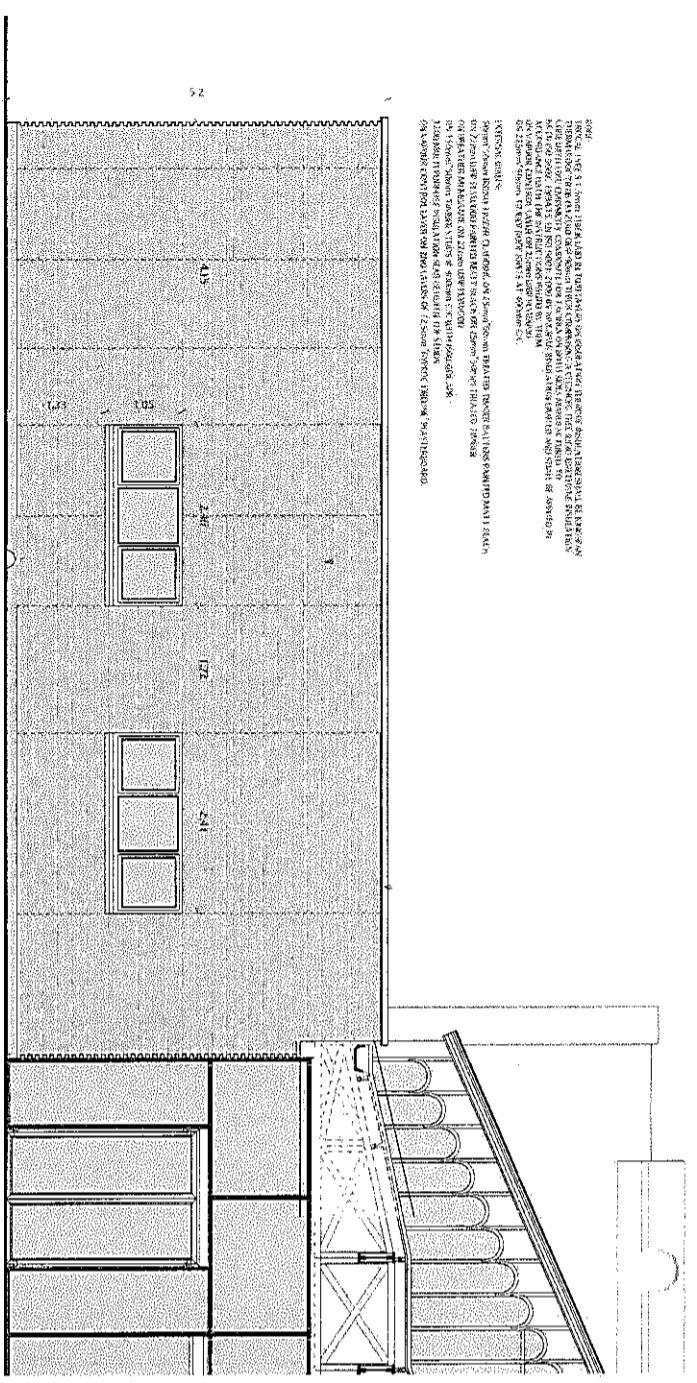


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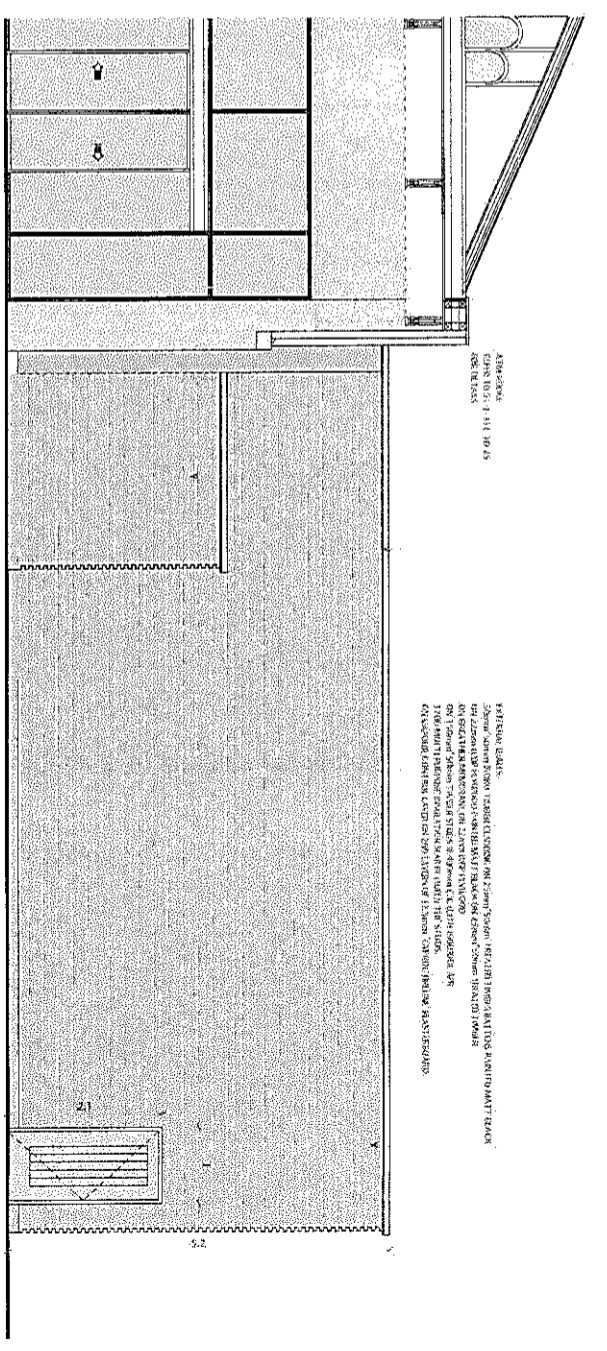


NOTE:  
 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTURAL AND ENGINEERS DRAWINGS.  
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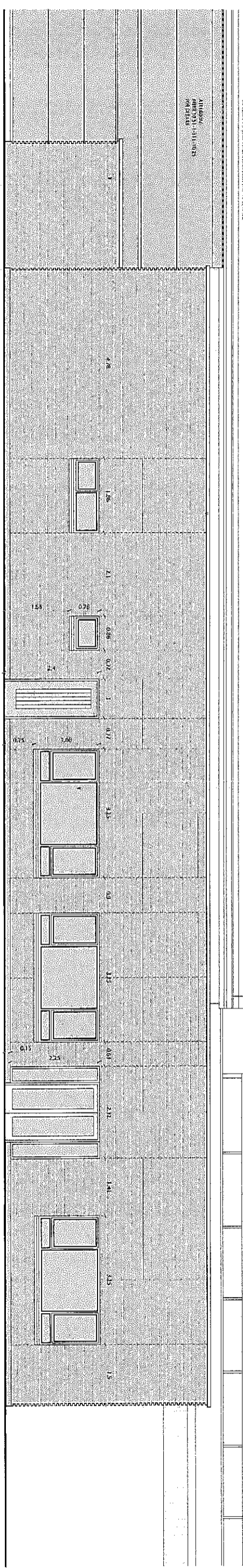
NEW STAFF ACCOMMODATION - NORTH ELEVATION scale 1:50

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NEW STAFF ACCOMMODATION - SOUTH ELEVATION scale 1:50

NOTE:  
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NEW STAFF ACCOMMODATION - EAST ELEVATION scale 1:50

REVISION	DRAWN	DATE	COMMENT
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C	DRAWN	DATE	COMMENT
B	DRAWN	DATE	COMMENT
A	DRAWN	DATE	COMMENT

DAVID ABBEY  
 JOHN CLANCY  
 ARCHITECTS SECTION, TRACK & SIGNALS HQ, INCHICORE WORKS, INCHICORE, DUBLIN 8

**Iainrod Eireann** ARCHITECTS  
 KENT STATION, CORK  
 IMPROVEMENTS TO EXISTING FACILITIES  
 NEW STAFF ACCOMMODATION ELEVATIONS

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