



# 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 St.,  
Moira,  
Craigavon BT67 0LP  
Northern Ireland.

04/07/2023

**RE: Section 5 Declaration R784/23 Ulster Bank Ltd., 17 Winthrop Street, Cork, Co. Cork T12 TD26.**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 13<sup>th</sup> June 2023, I wish to advise as follows:

In view of the above and having regard to:

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended),

The Planning Authority considers that –

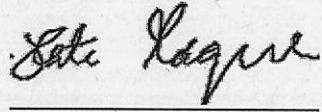
*the proposed works to the exterior of 17 Winthrop Street, Cork, given its location within an ACA and the structure being a NIAH listed structure* **IS DEVELOPMENT and IS NOT EXEMPTED DEVELOPMENT.**

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, 04<sup>th</sup> July 2023.



**We are Cork.**

Is mise le meas,

A handwritten signature in black ink, appearing to read "Kate Magner". The signature is written in a cursive style and is positioned above a horizontal line.

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

## SECTION 5 DECLARATION – PLANNER’S REPORT

**File Reference:** R784.23

**Description:** Removal of ATM, bin, letter box and night safe and replace with new glazing panel to match existing, removal of shopfront signage and projecting signs, removal of internal digital screens, and removal of the general Ulster Bank merchandising signage.

**Applicant:** Ulster Bank LTD

**Location:** 17 Winthrop Street, Cork.

**Site inspection:** 30/06/2023

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### 1. 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.

### 2. Site Location

The site is the former Ulster Bank build on Winthrop Street. The building is in a prominent city center location, is NIAH listed and within a Architectural Conservation Area.

### 3. The Question before the Planning Authority

Are the following works development, and if so, are they exempted development. Removal of ATM, bin, letter box and night safe and replace with new glazing panel to match existing, removal of shopfront signage and projecting signs, removal of internal digital screens, and removal of the general Ulster Bank merchandising signage.

Scaled drawings/floor plans were submitted with this Section 5 application.

### 4. Planning History

TP 09/33895 – Grant for new illuminated signage, new internally illuminated projecting sign, installation of an automatic teller machine, data hatch and letter box, including part opaque vinyl finish to glass, new vinyl signs to glass at existing main entrance and replace the existing single door with a new timber door all to the ground floor level east front elevation.

TP 01/25597 - PROPOSED NEW A.T.M. & TO EXISTING EXTERNAL GLAZED SHOP FRONT.

TP 17/37496 – Grant of permission for the development at this site, Ulster Bank. The development will consist of the removal of all teller counters, with minor internal wall reconfiguration to building. All proposed works to non-original fixtures fittings and partitions. Install a new letter plate to door on front elevation. The property is a protected structure. Reg No.20513066.



## 5. Planning Legislation

### 5.1 Planning and Development Act, 2000 as amended

#### **The Act**

#### Section 2(1),

*“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),

*The following shall be exempted developments for the purposes of this Act-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 2001-2013.*

#### Section 5(1),

*(See section 1 of this report)*

#### Section 177U (9) (screening for appropriate assessment)

*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.*

#### Article 6(1) Exempted development

*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 Restrictions on exemption

*This sets out restrictions on exemptions specified under article 6. Article 9(1) of the Regulations sets out circumstances in which development to which Article 6 relates shall not be exempted development, including (a) if the carrying out of such development would:-*

*(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 a 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,

## **6 Development Plan**

The development plan is the Cork City Development Plan 2022.

Under this plan, the subject site, and surrounding area are zoned ZO 5 City Centre with the zoning object to consolidate and facilitate the development of the central area and to promote its role as a dynamic mixed used centre for community, economic, civic, cultural and residential growth.

The site is within a designated Architectural Conservation Area.

### **Objective 8.23**

#### **Development in**

#### **Architectural Conservation Areas**

Development in Architectural Conservation Areas should have regard to the following:

- a. Works that impact negatively upon features within the public realm, such as stone setts, cobbles or other historic paving, railings, street furniture, stone kerbing etc. shall not be generally permitted;
- b. Design and detailing that responds respectfully to the historic environment in a way that contributes new values from our own time. This can be achieved by considering layout, scale, materials and finishes and patterns such as plot divisions in the surrounding area;
- c. Historic materials and methods of construction should be retained and repaired where this is reasonable, e.g. historic windows and doors, original roof coverings, metal rainwater goods should be retained along with original forms and locations of openings etc;
- d. Repairs or the addition of new materials should be appropriate and in keeping with the character of the original structures.

### **Objective 8.24**

#### **Demolition in**

#### **Architectural Conservation Areas**

Demolition of structures and parts of structures will in principle only be permitted in an Architectural Conservation Area where the structure, or parts of a structure, are considered not to contribute to the special or distinctive character, or where the replacement structure would significantly enhance the special character more than the retention of the original structure.

## **7 Assessment**

### **7.1 Development**

The first issue for consideration is whether or not the matter at hand is development, which is defined in the Act as follows.

#### *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.*

The applicant has included detailed drawings of the proposed works. The changes involve the removal of ATM, bin, letter box and night safe and replace with new glazing panel to match existing, removal of shopfront signage and projecting signs, removal of internal digital screens, and removal of the general Ulster Bank merchandising signage.



The proposals as outlined 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.”*

It is considered that the proposed alterations would come within the definition of ‘works’ set out in the Act. Therefore, it is most likely that the proposed changes constitute ‘development’.

#### CONCLUSION — is development

### **7.2 Exempted Development**

The next issue for consideration is whether the proposed development is or is not exempted development.

The ‘works’ (i.e. development) to be carried out include the removal of ATM, bin, letter box and night safe and replace with new glazing panel to match existing, removal of shopfront signage and projecting signs, removal of internal digital screens, and removal of the general Ulster Bank merchandising signage.

In this instance, the provisions of Section 4(1)(h) do not apply. As the proposed works are within an ACA and are considered to 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 not considered exempted development. Furthermore, Article 9 sets out restrictions on exemptions, Article 9 (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 a 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’*

The works being proposed are to the exterior of a structure that is within an Architectural Conservation Area, is an NIAH listed building and located at a prominent City Centre location, it is considered that the proposed works are not exempted development.

#### CONCLUSION — is not exempted development.

### **7.3 Environmental 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.

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.

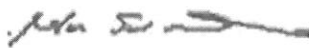
## 8 Recommendation

In view of the above and having regard to –

- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001 as amended,

It is considered that the proposed works to the exterior of 17 Winthrop Street, Cork, given its location within an ACA and the structure being a NIAH listed structure is development and is NOT EXEMPTED DEVELOPMENT.

### Signature



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Alan Swanwick  
Assistant Planner  
Community, Culture & Placemaking

03/07/2023.



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Gwen Jordan McGee  
Senior Executive Planner, Development Management Section,  
Community, Culture & Placemaking,



**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**

ULSTER BANK LTD, 17 WINTHROP STREET, CORK, CO CORK T12 TD26

**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, bin, letter box and night safe and replace with new glazing panel to match existing,

removal of shopfront signage and projecting signs,

removal of internal digital screens, and removal of the general Ulster Bank merchandising signage.

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

*(Use additional sheets if required).*

DEVELOPMENT MANAGEMENT  
CCP  
13 JUN 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 <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:	
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:	solin@tate Stevenson.com	
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: 16/06/2023

.....

**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.

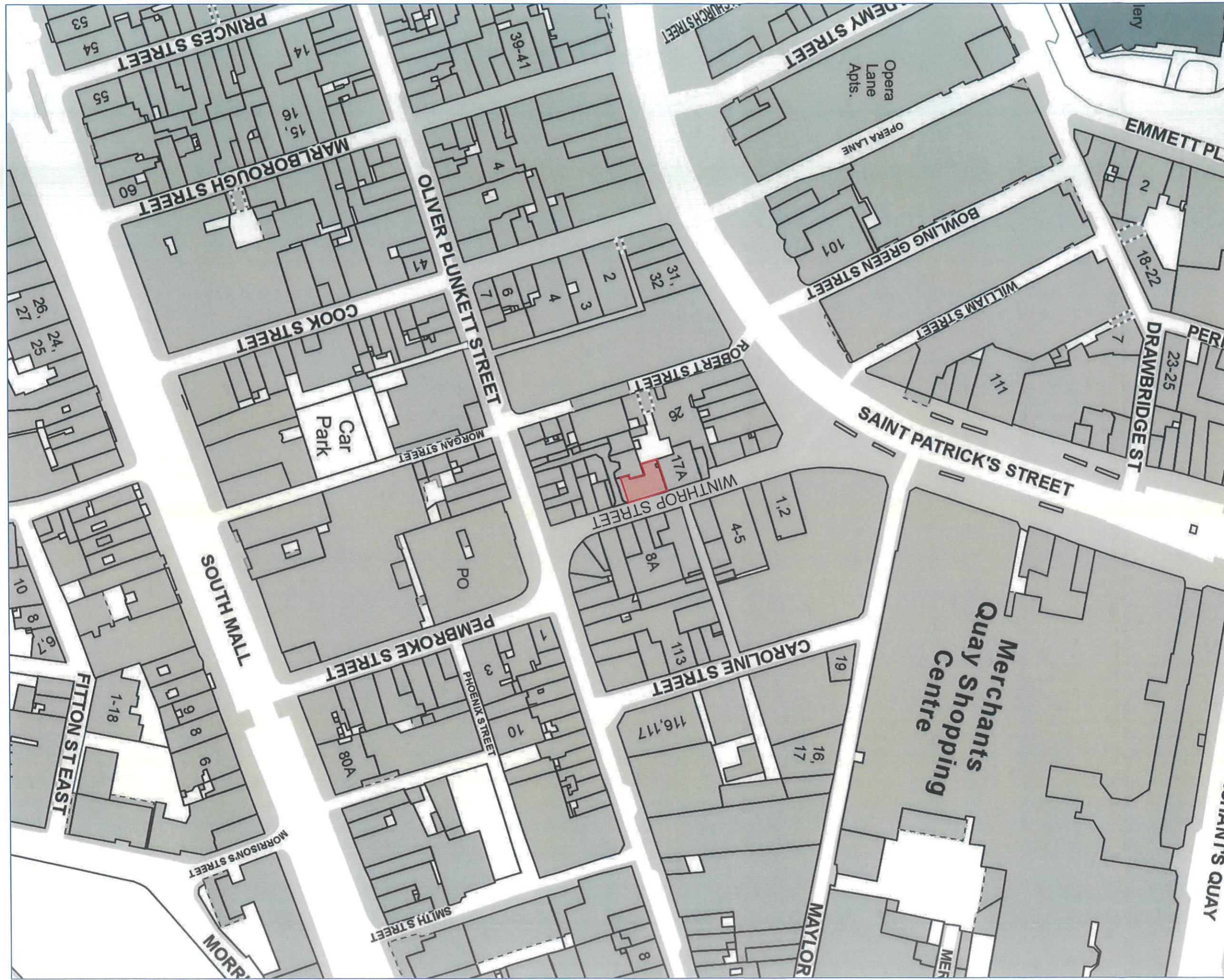
- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any 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





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 Fax. +44 (0)28 9261 3834  
 E-mail studio@tatestevenson.com

**M&H** McLaughlin & Harvey

rev	description	date

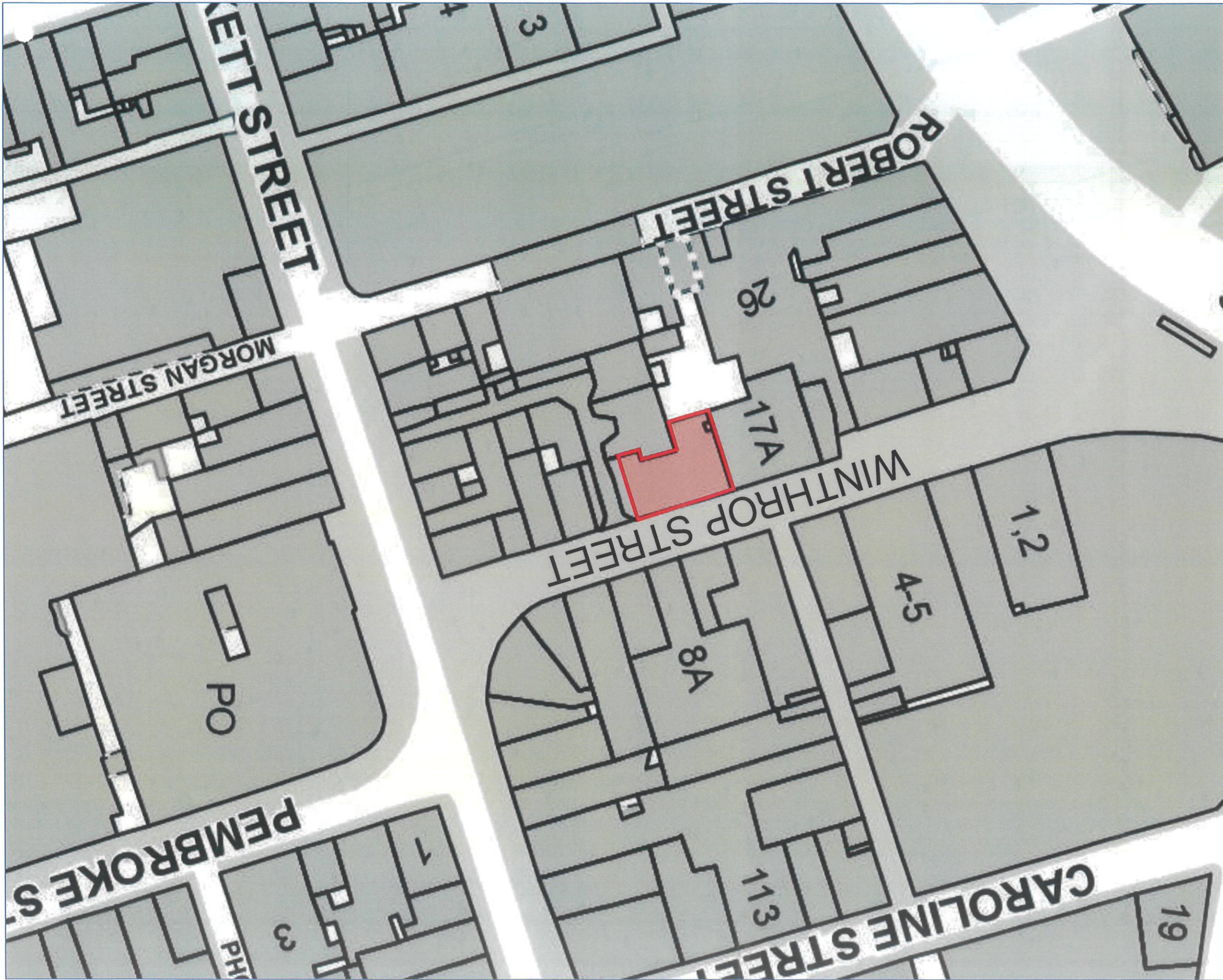


project 17 WINTHROP STREET,  
 CO CORK  
 T12 TD26

title Site Location Map

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date 16.06.23	date	date	date
consultants' drawing number 1206-10_21-L01	brand		rev.
site drawing number			





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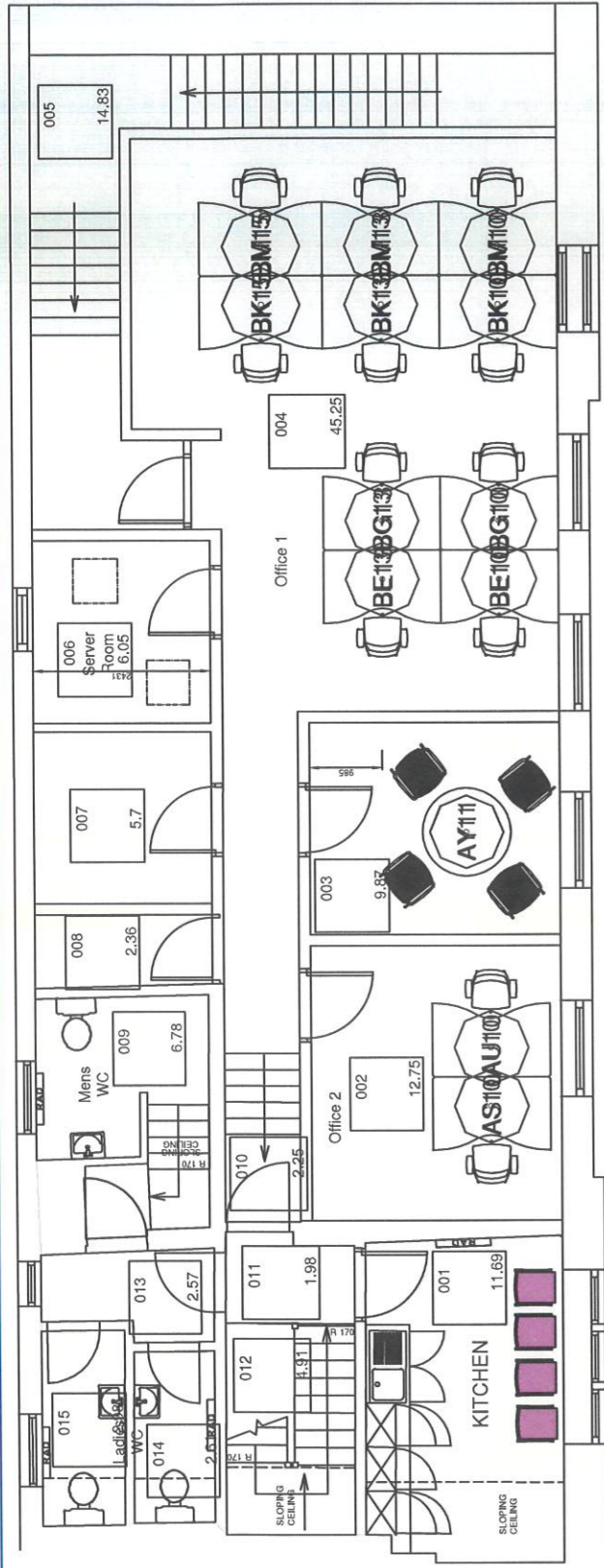


project 17 WINTHROP STREET,  
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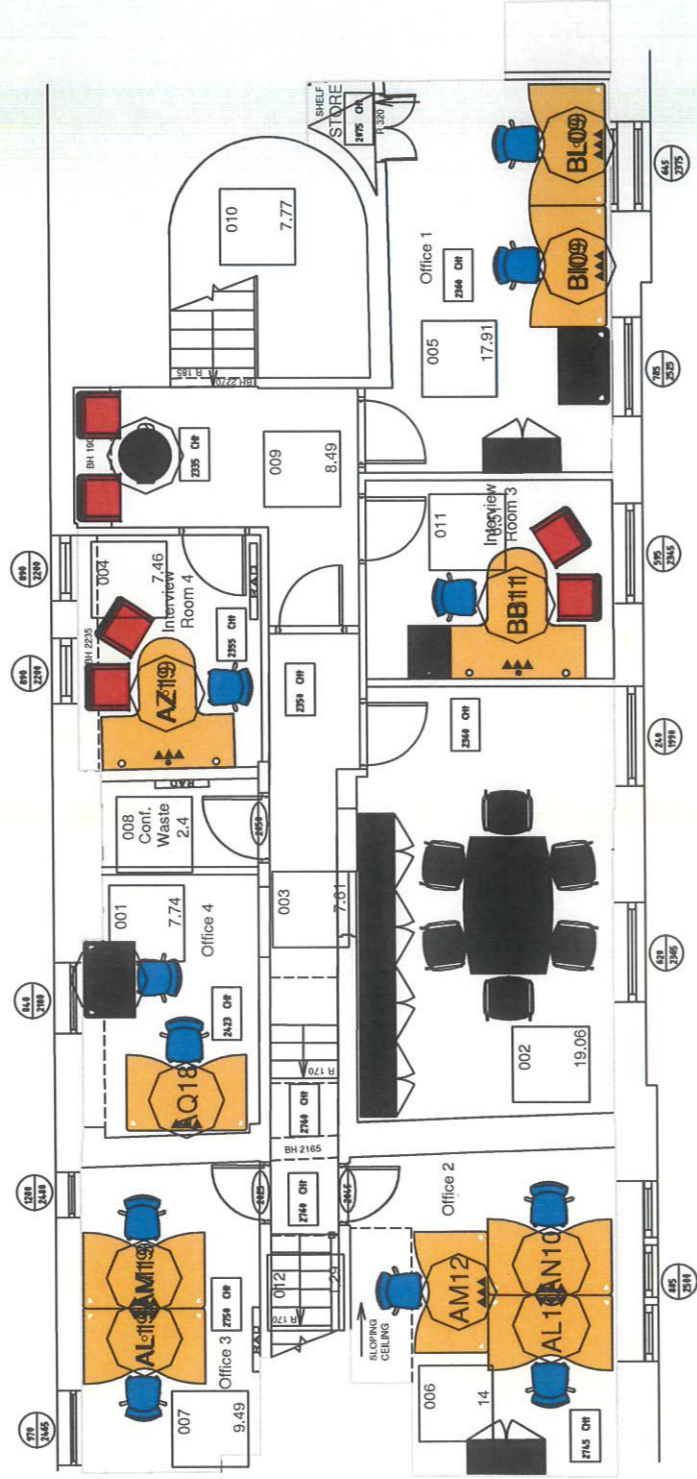
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 PLANNING

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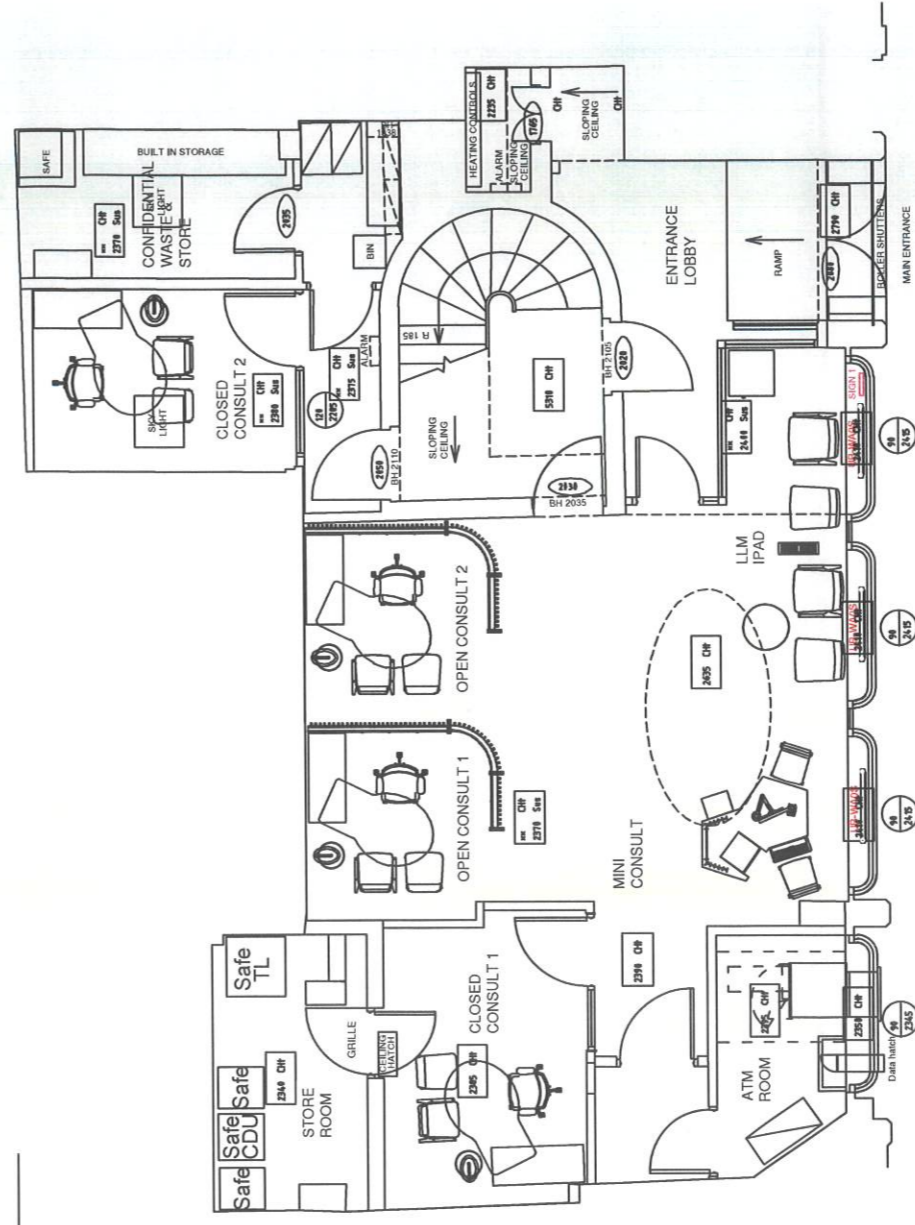




- Existing Second Floor Plan  
1:100



- Existing First Floor Plan  
1:100



- Existing Ground Floor Plan  
1:100

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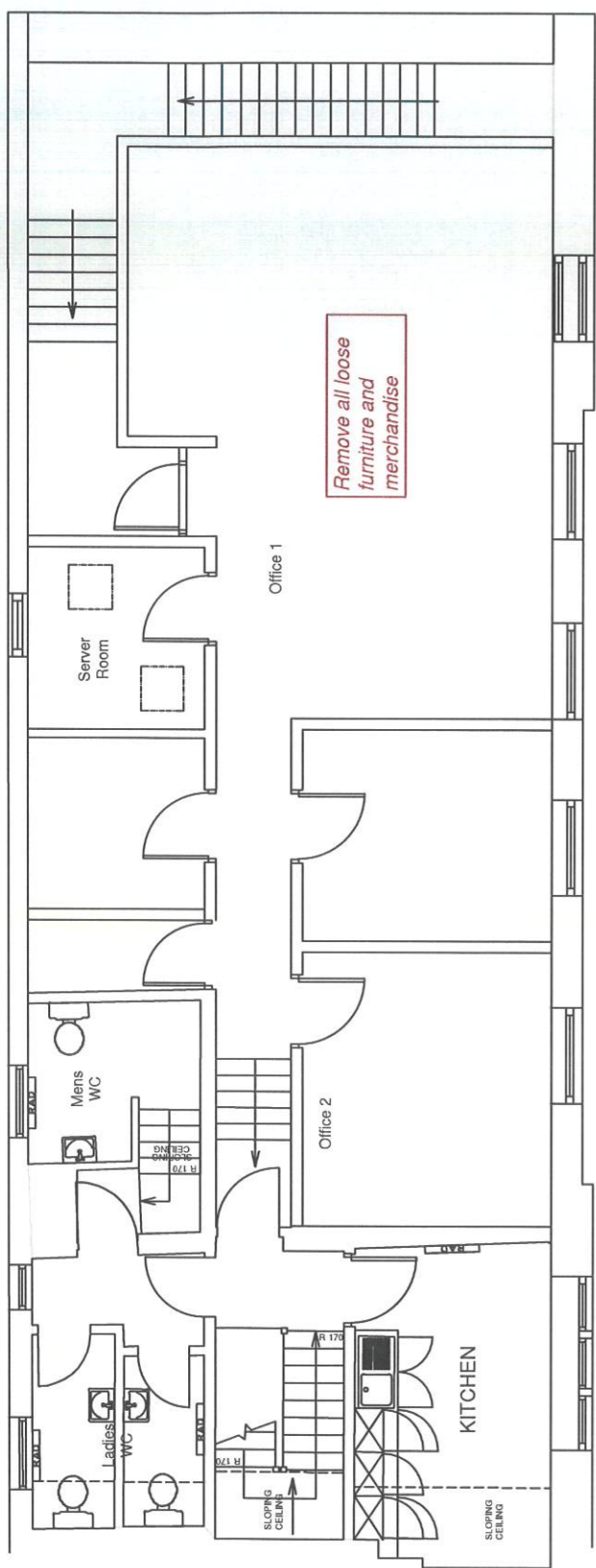


project  
17 WINTHROP STREET,  
CO CORK  
T12 TD26

title  
Existing Floor Plans

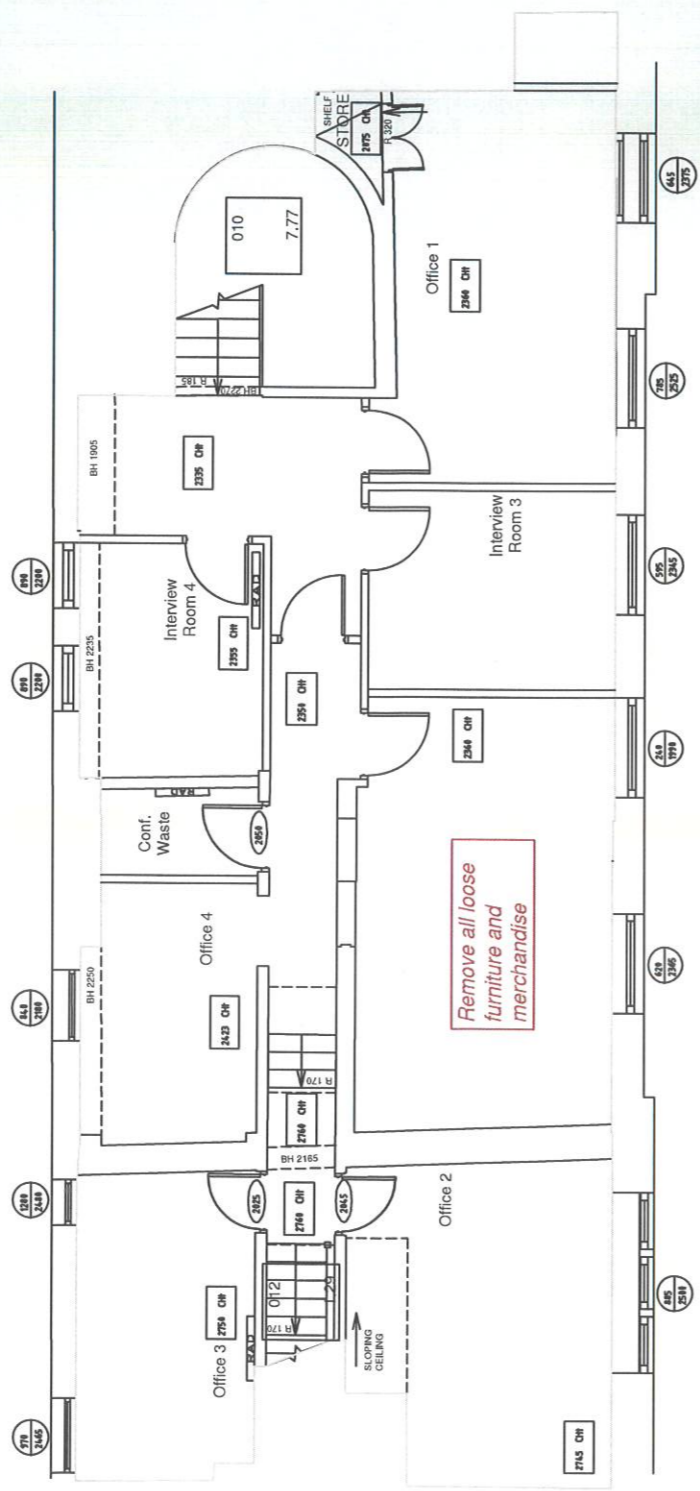
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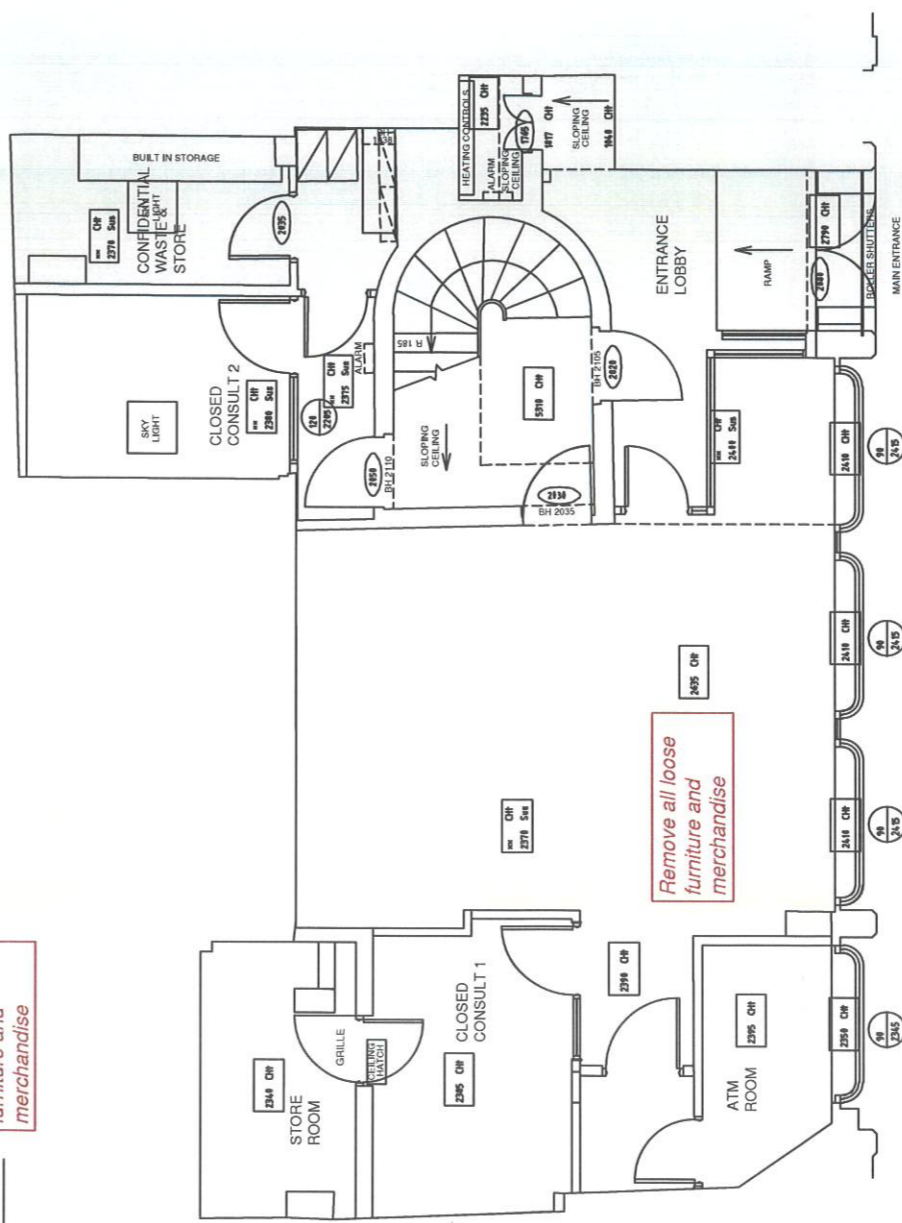
Proposed Second Floor Plan  
1:100

Remove all loose furniture and merchandise



Proposed First Floor Plan  
1:100

Remove all loose furniture and merchandise



Proposed Ground Floor Plan  
1:100

Remove all loose furniture and merchandise

rev	description	date



project  
17 WINTHROP STREET,  
CO CORK  
T12 TD26

title  
Proposed Floor Plans  
**PLANNING**

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date 16.06.23	date	date	
consultants' drawing number 1206-10_21-102	brand 		
ris drawing number			rev.

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