



# Comhairle Cathrach Chorcaí Cork City Council

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

Simon Swain  
AIB Sourcing, Property & Security  
2 HSQ  
St. Johns Road  
Dublin 8

16<sup>th</sup> October 2019

**RE: Section 5 Declaration R540/19 9 Main Street, Ballincollig**

A Chara,

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

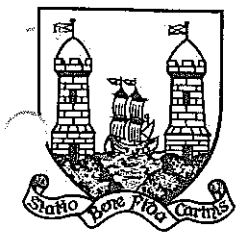
It is noted that Condition 10 attached to planning permission 06/13266 which restricted the vehicular use of Chapel Lane to those specified for the street (which had been recently pedestrianised). A subsequent request from AIB resulted in a letter issuing from the County Council that this restriction would not apply to cash in transit vans.

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 it might be the case that the metal frame will not be 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 hatch is located in a rear yard area behind gated access to the street to rear and is therefore not visible to the public.
- The structure is not a Protected Structure nor is the site located within an Architectural Conservation Area. It is very minor and will 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;



**We are Cork.**



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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) I consider that the work 'is development' and 'is exempted development'.

Yours faithfully,

**Kerry Bergin**  
**Development Management Section**  
**Community, Culture and Placemaking Directorate**  
**Cork City Council**



**We are Cork.**

## SECTION 5 DECLARATION – PLANNER'S REPORT

**File Reference:** R 540/19  
**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:** 9 Main Street, Ballincollig, 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 Main Street Ballincollig at the junction with The Square and backs onto a narrow laneway to the rear. (Chapel lane).

### PROPOSED DEVELOPMENT

It is proposed to install rubber strips attached to a metal frame around the cashlink hatch to protect the wall from the CITY van (as it backs towards same).

### PLANNING HISTORY

09/5920: Permission granted for the removal of one ATM and its replacement by 2 ATMs along with minor alterations.

06/13266 Permission granted for alterations and extension to AIB premises.

### 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;*

### **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**

I note Condition 10 attached to T.P. 06/13266 which restricted the vehicular use of Chapel Lane to those specified for the street (which had been recently pedestrianised at the time. A subsequent request from AIB resulted in a letter issuing from the County Council that this restriction would not apply to cash in transit vans.

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 it might be the case that the metal frame will not be 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 hatch is located in a rear yard area behind gated access to the street to rear (see photo attached) and is therefore not visible to the public.
- The structure is not a Protected Structure nor is the site located within an Architectural Conservation Area. It is very minor and will 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;

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'.

  
Evelyn Mitchell,  
Senior Executive Planner.

16.10.2019



Sign...

near onto Chapel lane



29/07/2009

**1. General Details**

<i>Application Number</i>	095920
<i>Applicant's Name</i>	Allied Irish Banks plc.
<i>Development Description</i>	Removal of the existing automated teller machine, minor alterations to the Main Street facade and provision of 2 no. automated teller machines
<i>Location</i>	9 Main Street, Ballincollig.

**2. Assessment**

Permission is sought to remove an existing ATM from the wall of the AIB that faces the Main Street in Ballincollig, and to install 2 no. new ATMs at the same point. The proposal will not detract from this prominent building, and is acceptable.

**3. Recommendation – Grant.**

A Grant of Permission is recommended.

*Tadhg MacNamara*  
Tadhg MacNamara, 29/7/09.

*agreed. V Sheridan SEP 30/07/09*

**First Schedule:**

It is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of the area, and would be in accordance with the proper planning and sustainable development of the area.

**Second Schedule:**

	<b>Condition</b>	<b>Reason</b>
1	The proposed development shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 11/6/09, save where amended by the conditions herein.	To clarify the documents to which this permission relates in the interests of the proper development of the site.



**CORK COUNTY COUNCIL**  
**PLANNING & DEVELOPMENT ACTS 2000 - 2007**  
**NOTIFICATION OF DECISION TO GRANT PERMISSION**  
**(with conditions)**

Reference No. in Planning Register  
REG NO. 09/5920

Allied Irish Banks plc.  
C/O Building Consultancy Group  
6 Eastgate Avenue  
Little Island  
Cork

In pursuance of the powers conferred upon them by the above mentioned Act and for the reason set out in the First Schedule hereto, the Council of the County of Cork has by Order dated

decided to GRANT PERMISSION for the development of land namely; **- 4 AUG 2009**

Removal of the existing automated teller machine, minor alterations to the Main Street facade and provision of 2 no. automated teller machines

At: 9 Main Street Ballincollig


In accordance with the plans and particulars submitted by the applicant

On: 11/06/2009

And subject to the conditions (1 No.) set out in Column 1 of the Second Schedule attached hereto. The reasons for the imposition of the said conditions are set out in Column 2 of the schedule.

An appeal against a decision of the Planning Authority may be made to An Bord Pleanála by any authorised person before the EXPIRATION of the period of FOUR WEEKS beginning on the day of the giving (i.e. Date of Order) of the decision of the Planning Authority. (SEE NOTES ATTACHED)

If there is no appeal against the said decision, a grant of PERMISSION in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanála. It should be noted that until a grant of PERMISSION has been issued the development in question is NOT AUTHORISED.

 Signed on behalf of the said Council

Date:

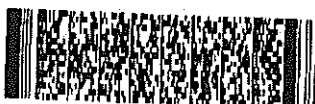
**- 4 AUG 2009**

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SEE NOTES ATTACHED

Please note that pursuant to S.34(3) of the Act, the Planning Authority has had regard to submissions or observations received in accordance with these Regulations.

In accordance with Article 20, site notice shall be removed on receipt of this notification.





## **FIRST SCHEDULE**

**Planning Ref. No. 09/5920**

**It is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of the area, and would be in accordance with the proper planning and sustainable development of the area.**

	Condition	Reason
1	The proposed development shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 11/06/09, save where amended by the conditions herein.	To clarify the documents to which this permission relates in the interests of the proper development of the site.

COMHAIRLE CATHRACH CHORCAÍ  
CORK CITY COUNCIL

Comhairle Cathrach Chorcaí  
Cork City Council

13 SEP 2019

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**

A13, 9 MAW STREET, BALLINCOLLIG, CO. 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  
CASHLINK MATCH TO PROTECT THE WALL FROM THE C.I.T CAN  
IS PLANNING PERMISSION REQUIRED?  
IT MIGHT BE THAT THE METAL FRAME IS NOT NEEDED, IT WILL  
DEPEND ON HOW THE CASHLINK 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 <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) N/A	Proposed/existing use (please circle) N/A

### 4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		ALLIED NISH BANKS PLC
Applicants Address	AIB SOURCING, PROTECT AND SECURITY 2 NSQ ST JOHNS ROAD DUBLIN 8	
Person/Agent acting on behalf of the Applicant (if any):	Name:	SIMON SWAIN
	Address:	AIB SOURCING, PROTECT AND SECURITY 2 NSQ ST JOHNS ROAD DUBLIN 8
	Telephone:	016417248
	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: \_\_\_\_\_

**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.*

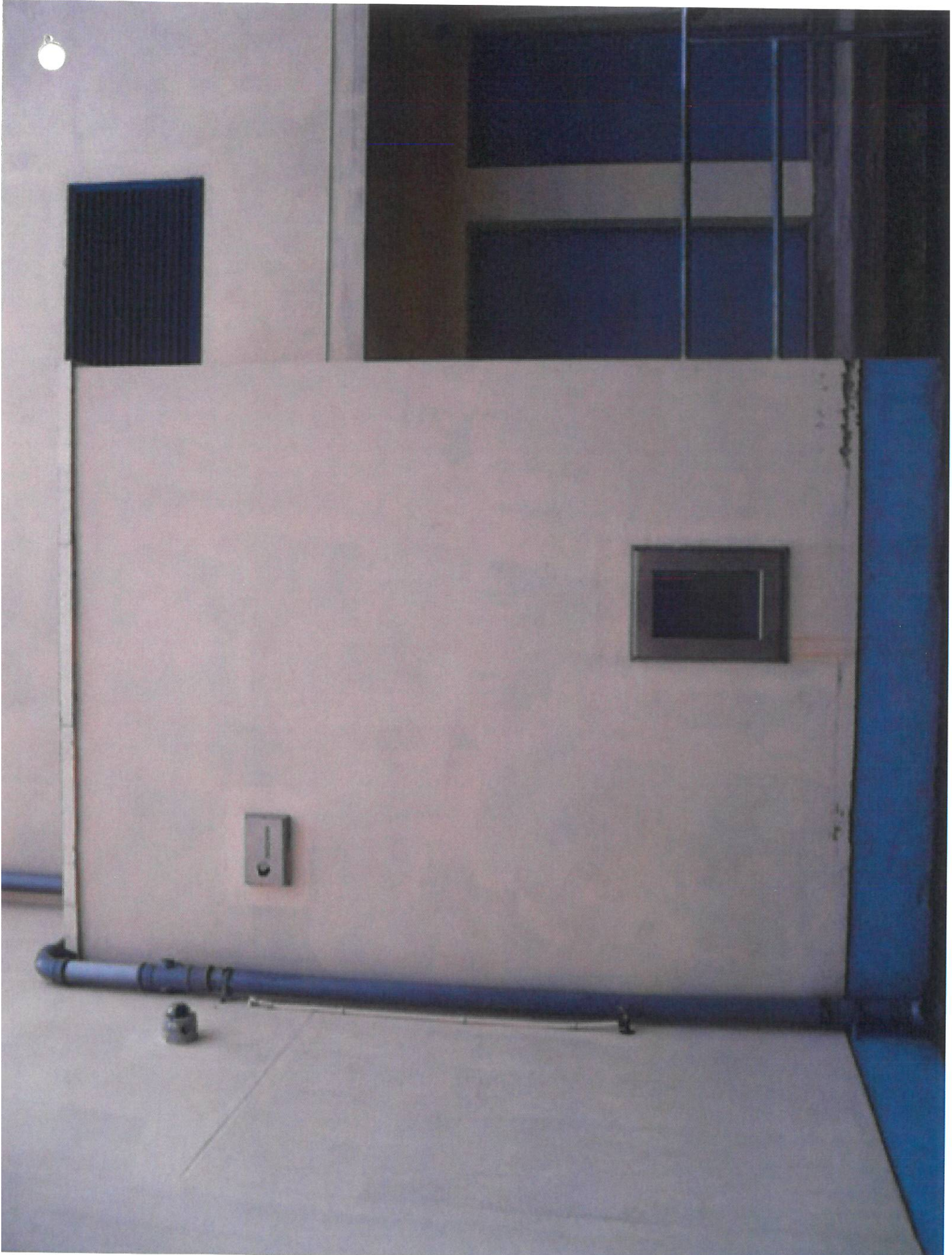
**DATA PROTECTION**

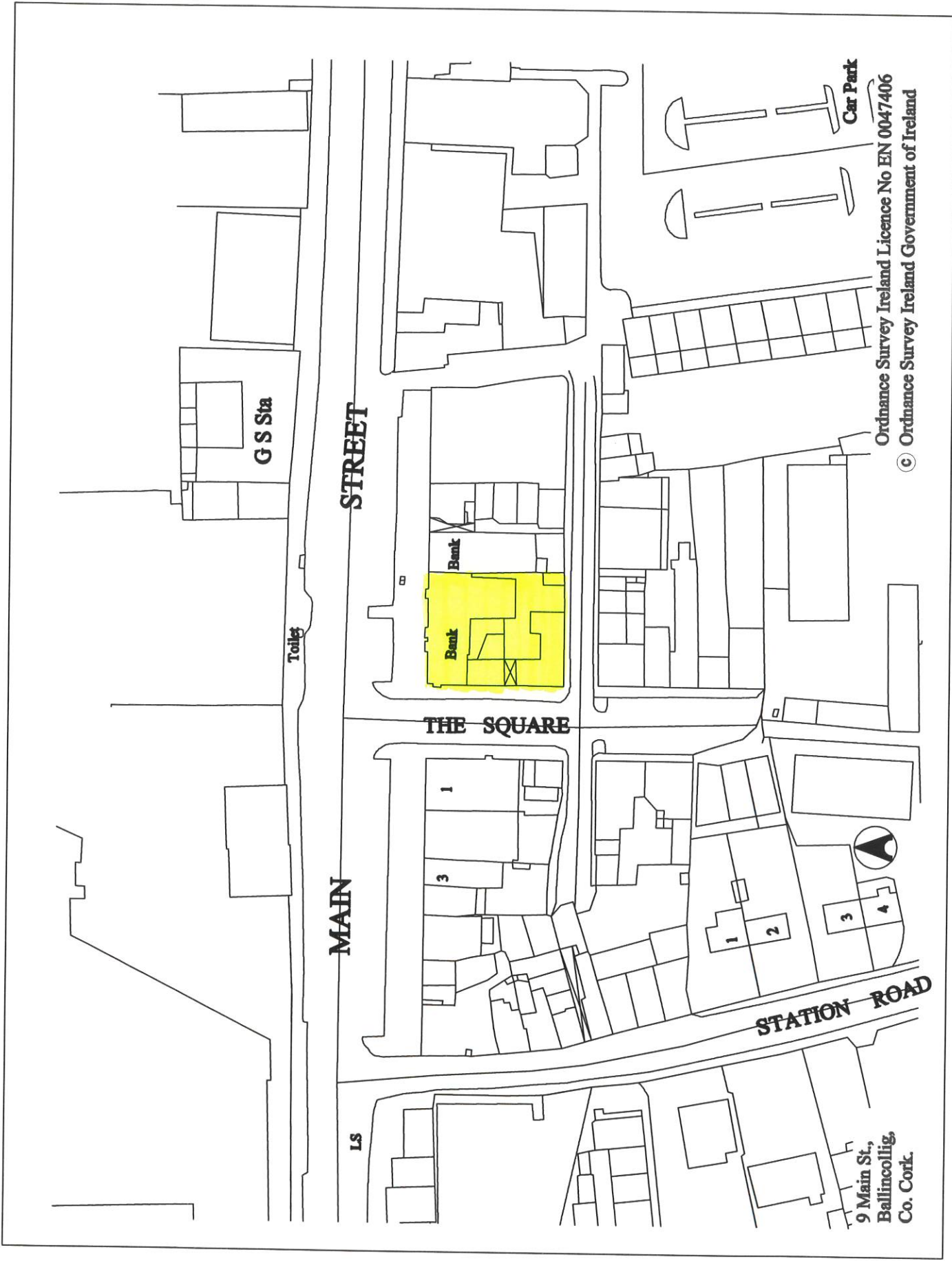
The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution











G S Sta

Toilet

STREET

MAIN

THE SQUARE

Bank

1

3

LS

STATION ROAD

9 Main St.,  
Ballincollig,  
Co. Cork.

Car Park

Ordnance Survey Ireland Licence No EN 0047406

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