

Comhairle Cathrach Chorcaí Cork City Council

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

Anthony Connolly
14 Glenheights Park
Ballyvolane
Cork

15th January 2020

RE: Section 5 Declaration R558/19 Glen Boxing Club, North Ring Road, Cork

A Chara,

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

having regard to —

- Section 4(1)(h) of the Planning and Development Act 2000 (as amended)

It is considered that the supply and fitting of a new boiler, new radiators, new toilets complete with tiling and the repair of the building plumbing and tiling issues at the Glen Boxing Club, North Ring Road **Is Development** and is **Exempted Development**.

Is mísa le meas,

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



We are Cork.

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

GLEW Boxing CLUB NORTH Ring Rd

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.

The supply and fitting of a new Boiler, new RADIATORS, new TOILETS complete with tiling and the REPAIRMENT OF ALL THE Buildings plumbing and tiling issues.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:
(Use additional sheets if required).

Comhairle Cathrach Chorcaí
Cork City Council

23 DEC 2019

Strategic Planning & Economic
Development Directorate

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		
(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)	
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4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		Anthony Connolly	
Applicants Address	14 Glenheights PK, BALLYVOLA CORK 086 3969220		
Person/Agent acting on behalf of the Applicant (if any):	Name:	THOMAS KELLEHER	
	Address:	2A HATTONS AHHY ARDFERT BLACKPOOL CORK.	
	Telephone:	087-2128562.	
	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	B. Other <input checked="" 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	MEMBERS OF THE GLEN BOXING CLUB.	

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

Signature: Anthony Connelly

Date: 12-12-2019

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

PLANNER'S REPORT		Cork City Council Culture, Community and Placemaking
Ref. R558/19		
Application type	Section 5 Declaration	
Description	<i>The supply and fitting of a new boiler, new radiators, new toilets complete with tiling and the repairment (sic) of the building plumbing and tiling issues.</i>	
Location	Glen Boxing Club, North Ring Road	
Applicant	Anthony Connolly (Club Member)	
Date	14/01/2020	
Recommendation	<i>Is Development and Is Exempted Development</i>	

In this report 'the Act' means the Planning and Development Act 2000 (as amended) and 'the Regulations' means the Planning and Development Regulations 2001 (as amended), unless otherwise indicated.

1. Requirements for a Section 5 Declaration

Section 5(1) of the Planning and Development Act 2000 as amended states,

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.

The requirements for making a section 5 declaration are set out in the Act.

2. The Question before the Planning Authority

In framing the question to the planning authority, the applicant states in Q2 of the application form:

The supply and fitting of a new boiler, new radiators, new toilets complete with tiling and the repairment (sic) of the building plumbing and tiling issues.

A quotation from a tiling contractor, dated 1/11/2019, was included in the application. It includes a list of internal works. One item listed – *Remove & Replace Facia & Soffit (sic) to anex (sic) at rear building*. This appears to be the only external work proposed. No plans or further details of the proposed works were provided.

3. Site Description

The property in question is located on the north side of the North Ring Road to the west of the entrance to the railway tunnel. The site consists of the Glen Boxing Club building and an ancillary car parking area. The main Club Building is rectangular in plan. There is a small irregularly shaped annex to the east. It is approximately 450m² and finished with a combination of steel cladding and render.

4. Planning History

07/32090 – Erection of 2.4m high perimeter fencing and entrance gates

Outcome – Granted 06/09/2007

88/14462 – Extend Clubhouse at Glen Avenue, Blackpool

Outcome – Granted

81/9906 – Erection of new Gymnasium at Glen Avenue
Outcome – Granted

79/8375 – Erection of Club House
Outcome – Application Withdrawn / No Decision

5. Legislative Provisions

5.1 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 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.

6. ASSESSMENT

6.1 Development

The first issue for consideration is whether or not the matter at hand is ‘development’.

‘Development’ as defined in the Act (3)(1) comprises two possible chief components: *‘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’*. In order to ascertain whether or not the subject use is considered to be development as so defined, consideration must first be given to whether any works on, in, over or under land have or will be carried out.

‘Works’ is defined in section 2(1) of the Act as *‘the carrying out of any works on, in, over, or under land’* including *‘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.’*

I consider that the proposed works to the Glen Boxing Club Building constitute development.

6.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development. I note that the subject dwelling is not a Protected Structure and does not form part of an Architectural Conservation Area.

There are no conditions set out in the parent permissions for the clubhouse building (Cork City Council Ref. No. 81/9906 and 88/14462) that would limit alteration to the structure.

Following a review of the plans provided it is my opinion that the works exempted development in accordance with section 4(1)(h) of the *Planning and Development Act 2000* (as amended).

This conclusion is based on the fact that the works to the interior of structures are expressly exempted by section 4(1)(h). Further I consider that the exterior works, specifically the replacement of a fascia and soffit to the annex to the rear of the building, 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.

7. ENVIRONMENTAL ASSESSMENT

7.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) 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 environmental impact statement is not required to be submitted.

7.2 Screening for Appropriate Assessment

Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the *Habitats Directive*, the *Appropriate Assessment Guidelines for Planning Authorities 2009* (revised 2010) and the Act are noted. 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 the European sites referred to above. Accordingly it is considered that appropriate assessment is not required.

8. CONCLUSION

The question has been asked whether the supply and fitting of a new boiler, new radiators, new toilets complete with tiling and the repair of the building plumbing and tiling issues at the Glen Boxing Club, North Ring Road, requires planning permission.

Having considered the particulars submitted with the application and the relevant legislation as set out above, it is considered that the proposed works constitute development and that said works are exempted development.

9. RECOMMENDATION

In view of the above and having regard to Section 4(1)(h) of the Planning and Development Act 2000 (as amended) it is considered that the supply and fitting of a new boiler, new radiators, new toilets complete with tiling and the repair of the building plumbing and tiling issues at the Glen Boxing Club, North Ring Road **Is Development and is Exempted Development.**

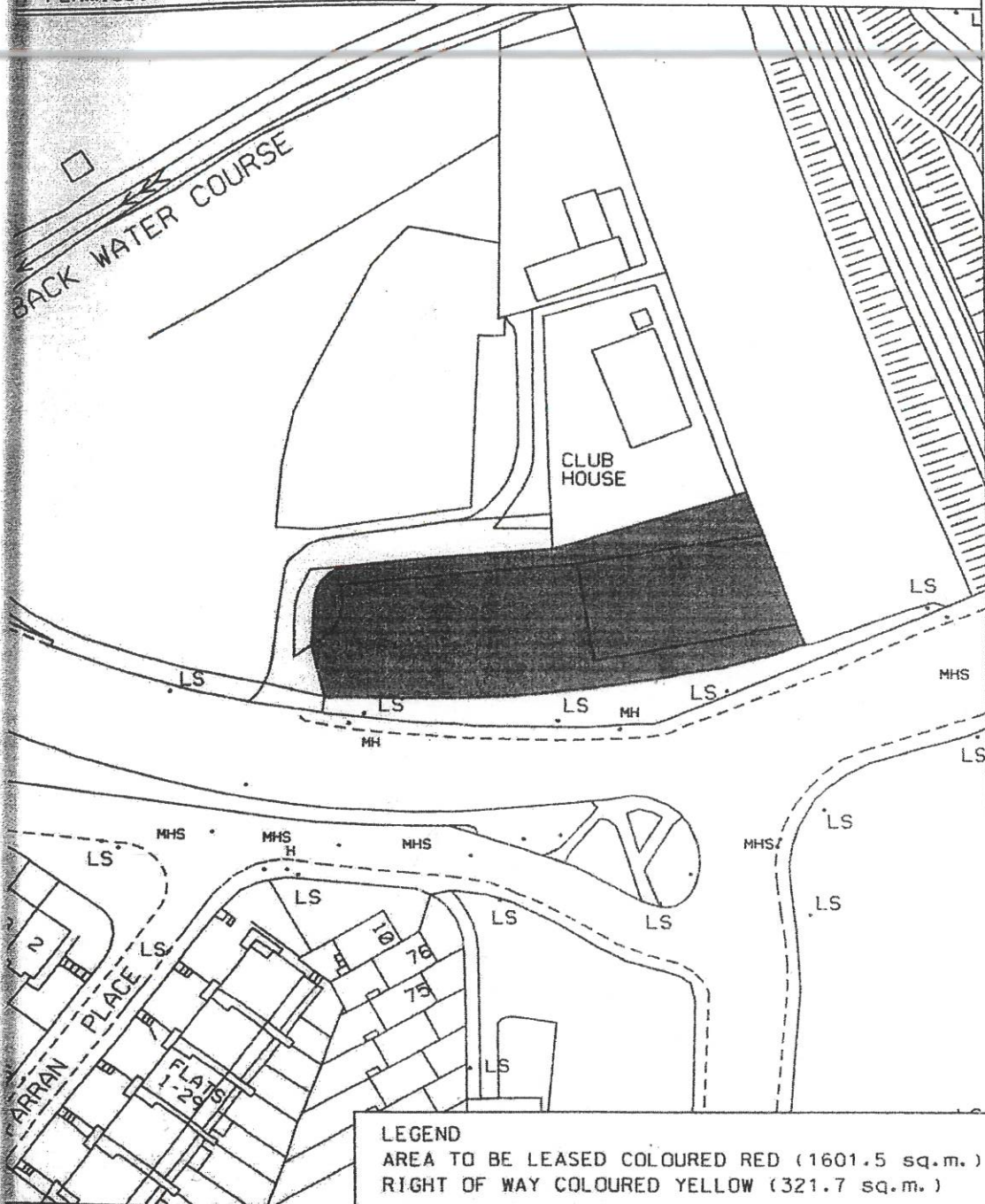


Martina Foley
Executive Planner


Agreed MW
15/01/19.

UNAITHÉ AR AN SUIRBHEIREACHT
 IRDANAIS LE CEAD AN RIALTAIS
 BASED ON THE ORDNANCE SURVEY
 BY PERMISSION OF THE GOVERNMENT

COMPUTER GENERATED MAP



LEGEND
 AREA TO BE LEASED COLOURED RED (1601.5 sq.m.)
 RIGHT OF WAY COLOURED YELLOW (321.7 sq.m.)


 CORK CITY COUNCIL
 CITY HALL
 CORK
 PROPERTY DEPARTMENT

ORG. TITLE:
 DISPOSAL OF LAND.
 CORK CITY COUNCIL TO THE GLEN BOXING CLUB
 PREMISES:
 THE GLEN BOXING CLUB, GLEN AVENUE, CORK.

REF No: EO 605A	SCALE: 1:1000	DRAWN: B.O'F.	O.S.S. No. : 6337-25
REF: G:*DGN*DISP	DATE: 23-1-2006	CHECKED:	