



# Comhairle Cathrach Chorcaí Cork City Council

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

Laura McCarthy, Fáilte Ireland,  
c/o Magdalena Mickiewicz,  
MCA Architects,  
Unit 4, Hanover Wharf,  
Asgard Road,  
Dublin 2, D02 HX39.

15/05/2023

**RE: Section 5 Declaration R777/23 Fáilte Ireland Tourist  
Information Centre, 125 Saint Patrick's Street, Cork T12 AE81.**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 19<sup>th</sup> April 2023, I wish to advise as follows:

In view of the above and having regard to:

- Sections 2, 3 and 4 (1)(h) of the Planning and Development Act 2000 (as amended),

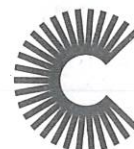
The Planning Authority considers that –

*The proposed perforated roller shutter to the entrance of 125 Patrick's Street, Cork, 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, 15<sup>th</sup> May 2023.

Is mise le meas,

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



**We are Cork.**

## SECTION 5 DECLARATION – PLANNER’S REPORT

**File Reference:** R777.23

**Description:** It is proposed to provide a perforated metal shutter to the entrance of the Tourist Information Centre on Patrick’s Street, Cork. The proposed shutter will be contained during business hours in an overhead box that will be concealed from public view behind the existing fascia. Is the provision of such a perforated roller shutter to the entrance of 125 Patrick’s Street, Cork, development and if so, is it exempted development.

**Applicant:** Laura McCarthy, Failte Ireland.

**Location:** Failte Ireland Tourism Information Centre, 125 Saint Patrick’s Street, Cork.

**Site inspection:** 10/05/2023

### 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 located at Ground floor, Failte Ireland Tourism Information Centre, 125 Saint Patrick’s Street, Cork.

### 3. The Question before the Planning Authority

It is proposed to provide a perforated metal shutter to the entrance of the Tourist Information Centre on Patrick’s Street, Cork. The proposed shutter will be contained during business hours in an overhead box that will be concealed from public view behind the existing fascia. Is the provision of such a perforated roller shutter to the entrance of 125 Patrick’s Street, Cork, development and if so, is it exempted development.

Scaled drawings/floor plans, contiguous elevations, example photos were submitted with this Section 5 application.

### 4. Planning History

TP 21/40003 – Grant of permission for modifications to the existing building at 125 Patrick’s Street, Cork to include: Replacement of existing stainless-steel signage with colored powder coated signage and update of Failte Ireland logo to the existing St. Patrick’s Street and Lavitt’s Quay facades to the Failte Ireland Tourist Information Centre.

TP 19/38511 – Grant of permission for modifications to the existing building at 125 St. Patrick’s Street, Cork to include: provision of ramped access and recessed doorway (3.2 m2) to the existing St. Patrick’s Street entrance to the Failte Ireland Tourist Information Centre.

TP 17/37588 – Grant of permission for modification to the existing building at 125 Patrick’s Street, Cork to include: change of use of existing ground floor retail space to a tourist information office (67m<sup>2</sup>) with new shopfront facing onto Lavitt’s Quay and St. Patrick’s Street, together with raised backlit signage to new stone fascia and associated plant to internal face of parapet wall at roof level.

## **5. Planning Legislation**

### **5.1 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)*

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 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, as amended.*

#### *Section 4(3)*

*A reference in this Act to exempted development shall be construed as a reference to development which is—*

- (a) any of the developments specified in subsection (1), or*
- (b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.*

#### 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.*

## **6. Development Plan**

The development plan is the Cork City Development Plan 2022. The subject site is zoned ZO 5 City Centre with the zoning objective 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 subject site is located in an area zoned Secondary Retail Frontages, 'Objective 10.7 City Centre Land Use on Secondary Retail Frontages. To restrict residential uses, retail offices, general offices, hot food takeaways and bookmakers/ betting shops at ground floor level on Secondary Retail Frontages.

11.193 (4), generally the use of external roller shutters/ security screens shall not be permitted on the front of shops. If required, they should be placed behind the shop front display.

## **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 comprising two chief components: 'works' and / or 'any material change in the use of any structures or other land'.

Scaled drawings were submitted with the referral and as such works are set out in the referral.

Therefore, I am satisfied that the submitted referral constitutes 'works' as defined under Section 2(1) of the Act.

#### *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.*

Therefore, the provision of a perforated roller shutter to the entrance of 125 Patrick's Street, Cork, is considered material in planning terms and would constitute 'development' within the meaning of Section 3(1) of the Act

#### *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.*

**CONCLUSION — is development.**

### **7.2 Exempted Development**

The next issue for consideration is whether the proposed perforated roller shutter to the entrance of 125 Patrick's Street, Cork, is or is not exempted development.

Article 6 provides that development of a class specified in Part 1 of Schedule 2 shall be exempted development. A perforated roller shutter is not listed within the exemptions.

Moreover,

#### Section 4(1)(h)

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.

It is considered that the proposed perforated roller shutter, having regard for this type of developments, non-inclusion within Article 6, and having consideration for Section 4(1)(h) '*... 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*', the proposed perforated roller shutter is considered 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, 4(1) (h) of the Planning and Development Act 2000 (as amended),

It is considered that the proposed perforated roller shutter to the entrance of 125 Patrick's Street, Cork, **Is Development and Is Not Exempted Development.**

Signature



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Alan Swanwick  
Assistant Planner  
**Community, Culture & Placemaking**

16/05/2023.



**Cork City Council**  
Kate Magner  
Development Management,  
Community, Culture + Placemaking  
City Hall  
Cork



18<sup>th</sup> April 2023

**Re Proposal for New Security Shutter, Fáilte Ireland TIC, Patrick's Street, Cork City**

Dear Kate,

Under Section 5 of the Planning and Development Acts 2000-2017, we wish to seek for a declaration if a new roller shutter to the existing Fáilte Ireland Tourist Information Centre on Patrick's Street as illustrated on attached presentation, would be considered as an exempted development within the meaning of these Acts.

Please note that our client, Fáilte Ireland, has been experiencing frequent and disturbing antisocial behaviour outside of business hours in the recess for their entrance door. Great care was taken during the design process for this shopfront to avoid creating a recess, but subsequent modifications were made at the request of Cork City Council to enable step free access to the Tourist Information Centre. I have attached a letter from our client to illustrate further the problems dealt with by staff daily.

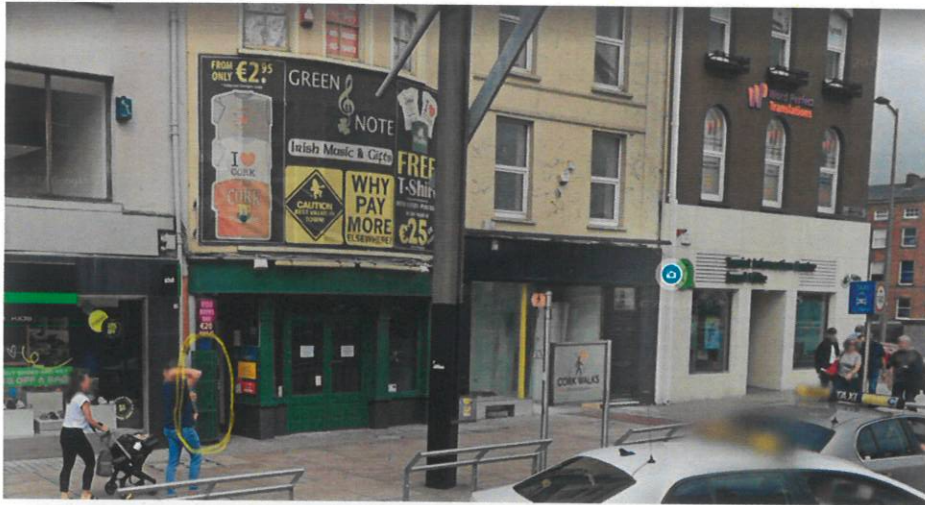
The proposed shutter will be of a perforated mesh material colour matched to the stone façade and will allow a degree of transparency as illustrated on the images below. The roller will be concealed in the soffit of the doorway behind the existing façade so it will only be visible outside of business hours (Mon – Sat 9:00am – 5:00pm). During opening hours, it will roll back into the soffit with only the side guides giving any visible clue as to its presence. All proprietary elements will be colour matched to the surrounding stone colour to ensure minimum visual impact.



**Directors** Brian Murphy B Arch FRIAI RIBA Gerry Murphy B Arch BL FRIAI RIBA Dip PM Dip Arb Law Dip Construction Law  
**Associate Directors** Peter Duffy B Arch MRIAI RIBA Simon Sedgwick BSc B Arch MRIAI  
**Senior Associates** Michael Sorahan B Arch BSc Arch MRIAI Andrew Howley B Arch BSc Arch MRIAI Magdalena Mickiewicz MSc Arch & Urb MRIAI MOIA Séamus Thornton B Arch MRIAI  
Ivan O'Keeffe Dip Arch Tech David Pearson B Arch Dip Arch MRIAI Fergal White BSc Arch B Arch MSc EDB MRIAI  
**Associates** Aideen Murray Dip Arch B Arch Sc P Grad Dip ABRC MRIAI Burgert van der Walt B Arch Pr Arch SACAP 5995 Graham Ovenden BA (Hons) Dip Arch MRIAI  
Joe Brady MSc Const PM BSc Arch Tech ACIAT Jesper Dynesen CAND Arch MAA MRIAI Neil McCormick BS Arch M Arch MRIAI ARB Nicola Sexton B Arch PG Dip Arch MRIAI  
Marian Dinneen B Arch (Hons) Dip Arch MRIAI



There are several examples of shutters that are more visible during the day on nearby buildings – 2 of which are illustrated below, the first image is of a small gate like shutter on Patrick's Street and the second is on Lavitt's Quay



On these bases we are of the opinion that the proposed modification could be considered minor therefore should qualify for exemption.

We enclose the following documents:

- 2022.33-MCA-00-00-DR-A-1020-Site
- 2022.33-MCA-00-00-DR-A-1021-Floor Plans
- 2022.33-MCA-00-00-DR-A-1020-Elevations
- 2022.33-MCA-00-00-DR-A-1020-Detailed Section
- Letter from building landlord
- Letter from our client, Fáilte Ireland
- Cheque in the sum of €80.00

We would be grateful if you could contact us if we can be of assistance in the application or if you have any queries regarding the works.

Yours faithfully

Magdalena Mickiewicz  
for MCA Architects

# COMHAIRLE CATHRACH CHORCAÍ CORK CITY COUNCIL

Community, Culture & Placemaking Directorate,  
Cork City Council, City Hall, Anglesea Street, Cork.

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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. NAME OF PERSON MAKING THE REQUEST

Laura Mccarthy, Fáilte Ireland

### 2. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT

Fáilte Ireland Tourist Information Centre  
125 Saint Patrick's Street  
Cork  
T12 AE81

### 4. QUESTION/ DECLARATION DETAILS

#### PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:

It is proposed to provide a perforated metal shutter to the entrance of the Tourist Information Centre on Patrick's Street, Cork. The proposed shutter will be contained during business hours in an overhead box that will be concealed from public view behind the existing fascia. Is the provision of such a perforated roller shutter to the entrance of 125 Patrick's Street, Cork development and if so, is it exempted development

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

*(Use additional sheets if required).*

*Accompanying drawings:*

*2022.33.MCA-00-00-DR-A-1020-Site*

*2022.33.MCA-00-00-DR-A-1020-GroundFloor*

*2022.33.MCA-00-00-DR-A-1020-Elevations*

*2022.33.MCA-00-00-DR-A-1020 -Section*

*Accompanying documents:*

*Letter of consent from Landlord*

Letter from Fáilte Ireland outlining the need to provide a shutter to combat frequent antisocial activity

5. Are you aware of any enforcement proceedings connected to this site? NO

If so please supply details:

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6. Is this a Protected Structure or within the curtilage of a Protected Structure? NO

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority? N/A

7. Was there previous relevant planning application/s on this site? Y

If so please supply details:

1737588 – Change of use and associated modifications to ground floor, shopfront + signage

1938511 – Provision of new ramp within new recessed doorway

2140003 – Change to colour of existing signage

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### 8. 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)
N/A	N/A

### 7. 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	Tenant	
If you are not the legal owner, please state the name of the owner if available	Joe Fahy	

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

Signature: 

Date: 17/04/2023

C/O Gortbrack  
Goleen  
Co. Cork

Planning Department  
Cork City Council  
City Hall  
Cork

13 March 2023

**RE: Fáilte Ireland application for modification to entrance doorway of  
125 St. Patrick's Street Cork**

Dear Sir / Madam,

I, Joe Fahy, owner and landlord of 125 St. Patrick's Street Cork, hereby give MCA Architects of 4 Hanover Wharf, Asgard Road, Dublin D02 HX39, working under the instruction of my tenant; Fáilte Ireland, consent to submit a Section 5 planning application for the installation of a roller shutter at the entrance doorway to the Fáilte Ireland Tourist Information Centre.

Yours sincerely,

  
\_\_\_\_\_  
Joe Fahy  
E: [irishjoe3@gmail.com](mailto:irishjoe3@gmail.com)



Planning Department  
Cork City Council  
City Hall  
Anglesea Street  
Cork City  
T12 T997

**VIA MCA Architects**

15 March 2023

**Re: Section 5 Planning Application for 125 St. Patrick Street, Cork, T12 AE81**

Dear Sir / Madam,

I am writing to request your support for our Section 5 planning application to install a roller shutter to the doorway of Fáilte Ireland's Tourist Information Centre (TIC) on Patrick Street. The shutter will be invisible during working hours, and we believe it is necessary to address the ongoing issue of rough sleeping in our doorway.

The presence of rough sleepers is a daily problem for our TIC staff. It also creates a very poor first impression for visitors to the city, which is not what we want to present. We take great pride in our Cork City TIC, and we want to ensure that it is always seen in the best possible light.

Our original doorway was designed with careful consideration of the potential for rough sleeping. However, the subsequent requirement for the accessible ramp to be recessed within the doorway has created this problem.

We understand that you will need to review our request and assess the potential impact of installing a roller shutter on the appearance of the building and the surrounding area. However, we urge you to consider the importance of this matter, not only for the safety and comfort of our staff and visitors but also for the reputation of Cork City.

We would be more than happy to work with you to find a solution that meets everyone's needs. We believe that the installation of the roller shutter is the best option, and we hope that you will agree.

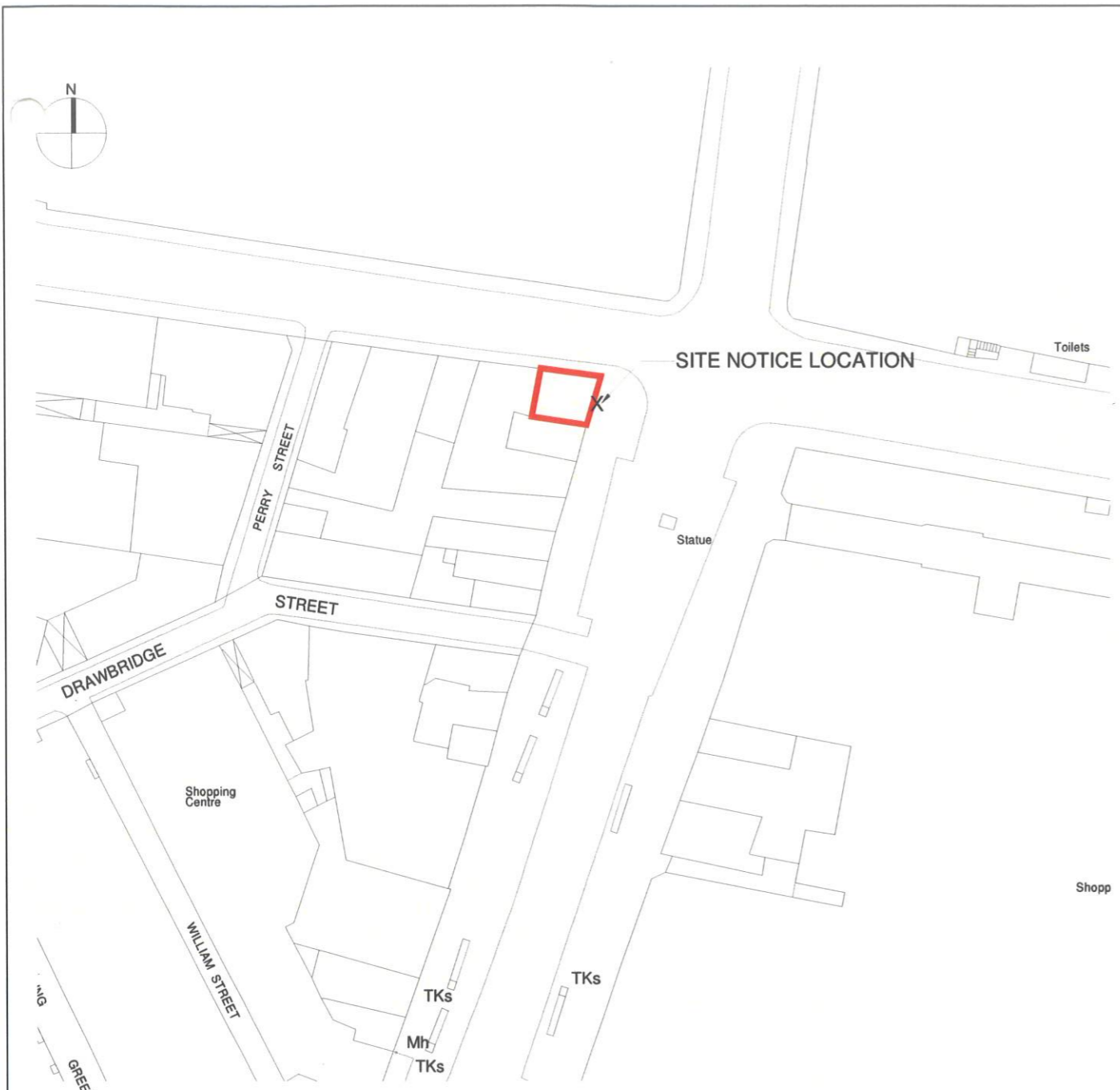
Thank you for taking the time to read our request. We look forward to hearing from you soon.

Best regards,

DocuSigned by:

  
DEBE88DD96FF4B4...

Gary Breen  
Head of Visitor Engagement



Output Format:  
DWG\_FULL

Output File:  
V\_00\_25263538\_00000001.DWG

Map Series:  
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6382-10  
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SURVEY DATE = 31-Dec-1973  
LEVELLED DATE = 31-Dec-1983

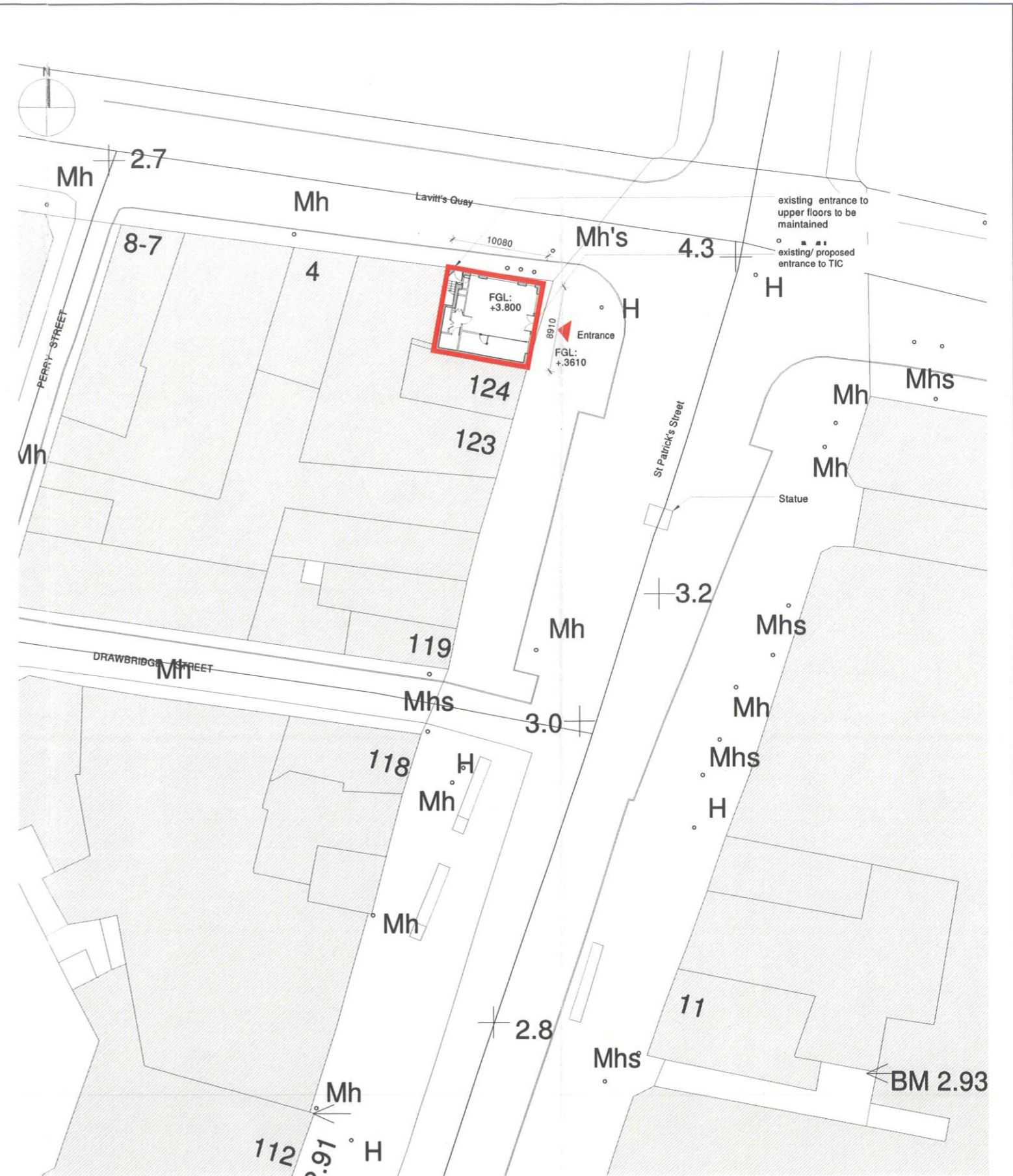
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LRX,LRY = 567706,571994  
ULX,ULY = 567473,572166  
URX,URY = 567706,572166

Projection:  
ITM

ITM Centre Point Co-ordinate:  
X,Y = 567590,572080

Extraction Date:  
17-May-2016  
Copied under licence No. AR 0016223

01 site location map  
scale: 1:1000



02 proposed site plan  
scale: 1:500

NOTES:  
Check all dimensions on site. Do not rely on scaled dimensions. This drawing must be read in conjunction with all relevant contract documents.

This drawing is the property of Michael Collins Associates Ltd. (trading as MCA Architects). The drawing shall not be copied, reproduced or otherwise used without the consent of Michael Collins Associates Ltd.

site boundary



Rev	Date	Description	Drwn	Chkd	Rev	Date	Description	Drwn	Chkd
P01	31.03.23	SUBMITTED FOR SECTION 5 EXEMPTION	OK	MJM					

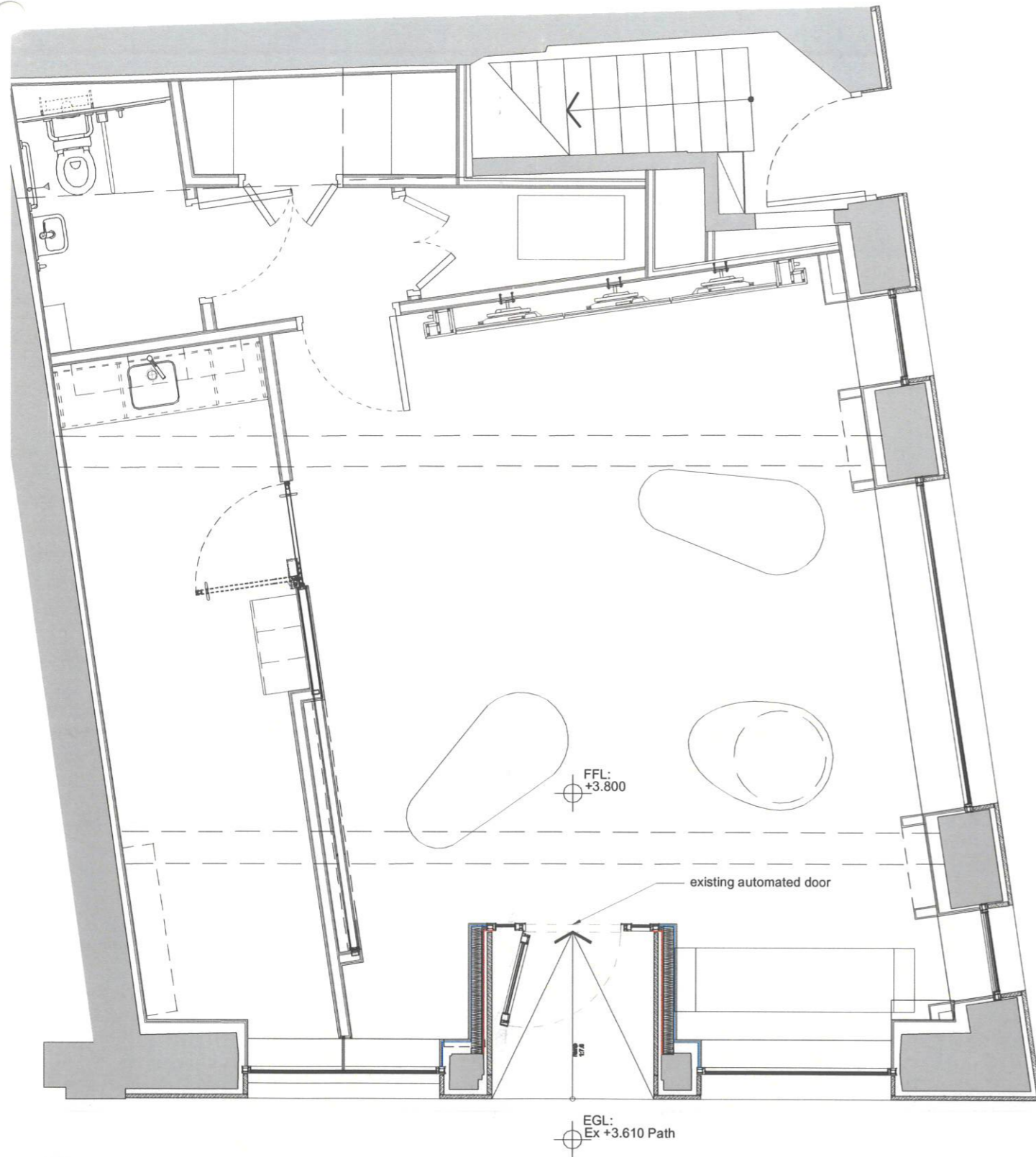
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**MCA**  
ARCHITECTS

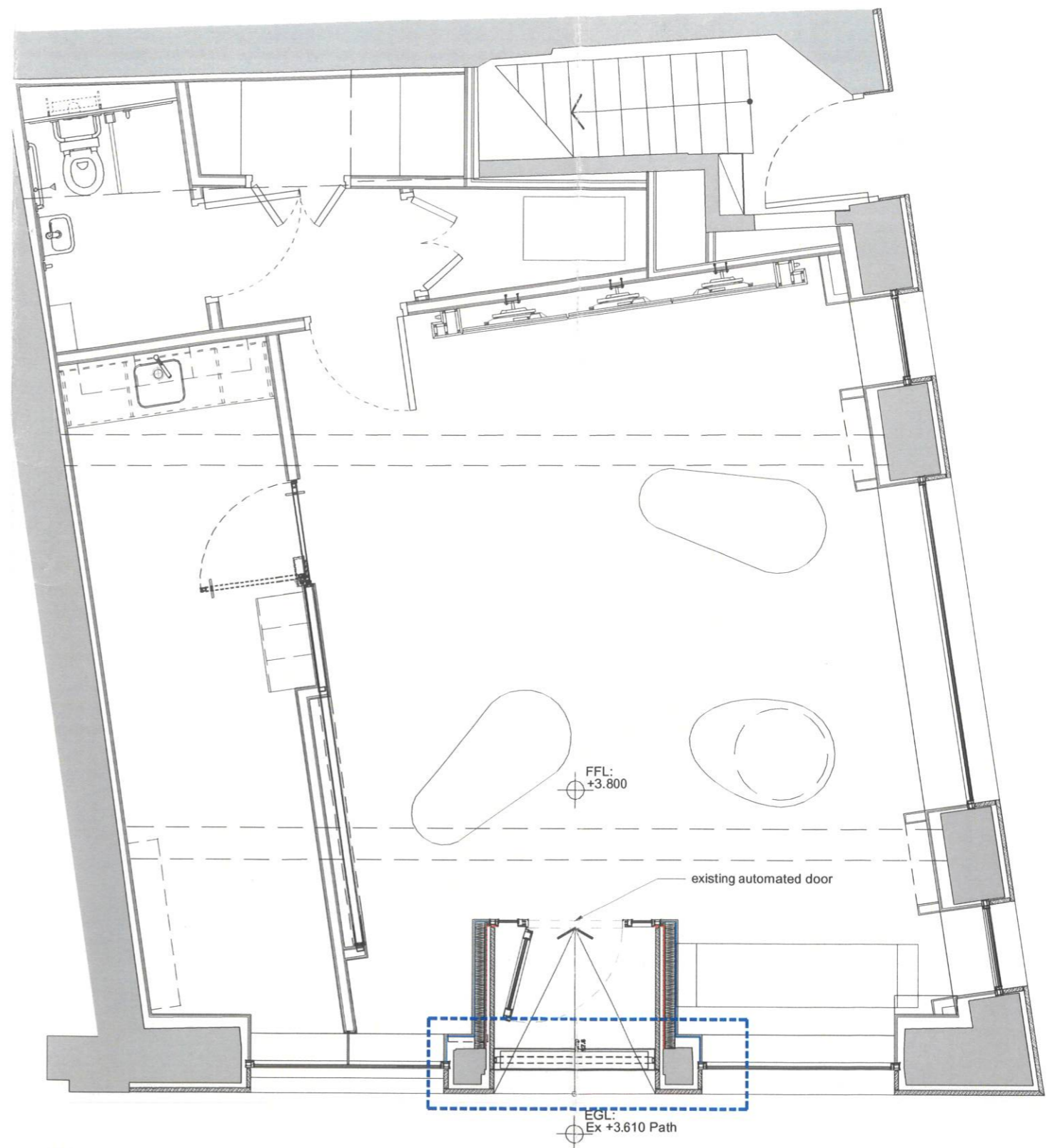
4 Hanover Ward,  
Angard Road, Dublin 2,  
Ireland. D02 1K39  
+353 1 8760916  
info@mca.ie  
www.mca.ie

Client:	FAILTE IRELAND	Job No.:	2022.33
Project:	PROPOSED ROLLER SHUTTER TO ENTRANCE FAILTE IRELAND TIC ST PATRICK'S STREET CORK	Sheet:	A3
Drawing:	SITE PLAN SITE LOCATION MAP	Scale:	VARIES
Stage:	PLANNING	Status Code:	S3
Status:	FOR APPROVAL		
Drawing:	22.33-MCA-00-00-DR-A-1020		

REVISION



01 existing floor plan  
scale: 1:50



02 proposed floor plan  
scale: 1:50

**NOTES:**  
Check all dimensions on site. Do not rely on scaled dimensions. This drawing must be read in conjunction with all relevant contract documents.  
  
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**Notes:**  
1. All dimensions to be checked and confirmed on site  
  
[Dashed Box] proposed location of shutter - subject to this application

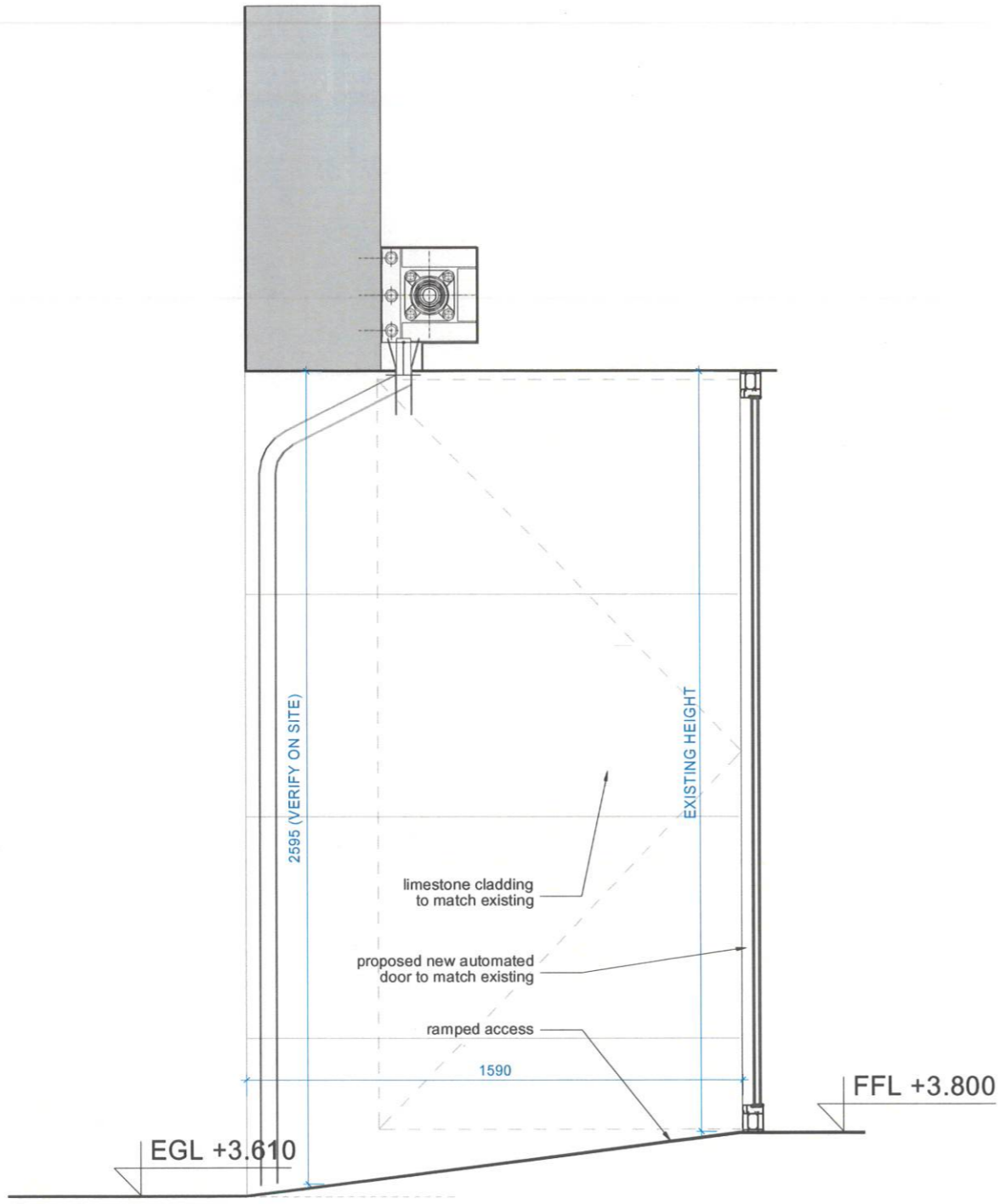


Rev	Date	Description	Drwn	Chkd	Rev	Date	Description	Drwn	Chkd
					P01	11.03.21	SUBMITTED FOR SECTION 5 EXEMPTION	CMD	MJM

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Client	FAILTE IRELAND	Job No	
Project	PROPOSED ROLLER SHUTTER TO ENTRANCE	Sheet	A3
	FAILTE IRELAND TIC	Scale	VARIES
	ST PATRICK'S STREET CORK	Sheet Code	S3
Drawing	GROUND FLOOR PLAN		
	EXISTING AND PROPOSED		
Stage	PLANNING		
Status	FOR APPROVAL		
Drawing	22.33-MCA-00-00-DR-A-1021		

REVISION  
P01



02 proposed section to door recess  
scale: 1:20

**NOTES:**  
Check all dimensions on site. Do not rely on scaled dimensions. This drawing must be read in conjunction with all relevant contract documents.

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**Notes:**  
1. All dimensions to be checked and confirmed on site

Rev	Date	Description	Drwn	Chkd	Rev	Date	Description	Drwn	Chkd
					P01	31.03.23	SUBMITTED FOR SECTION 5 EXEMPTION	OK	MJM

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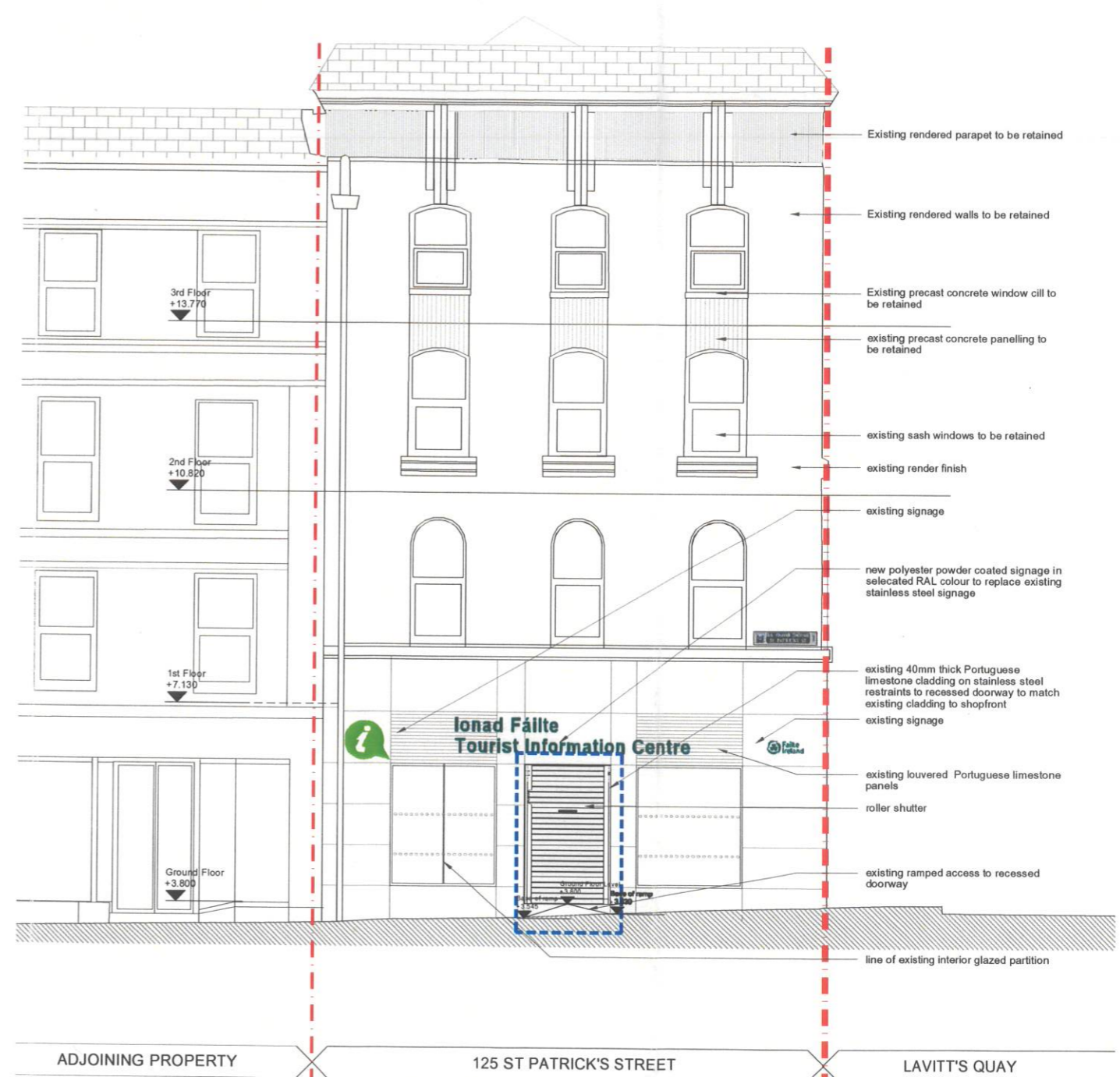
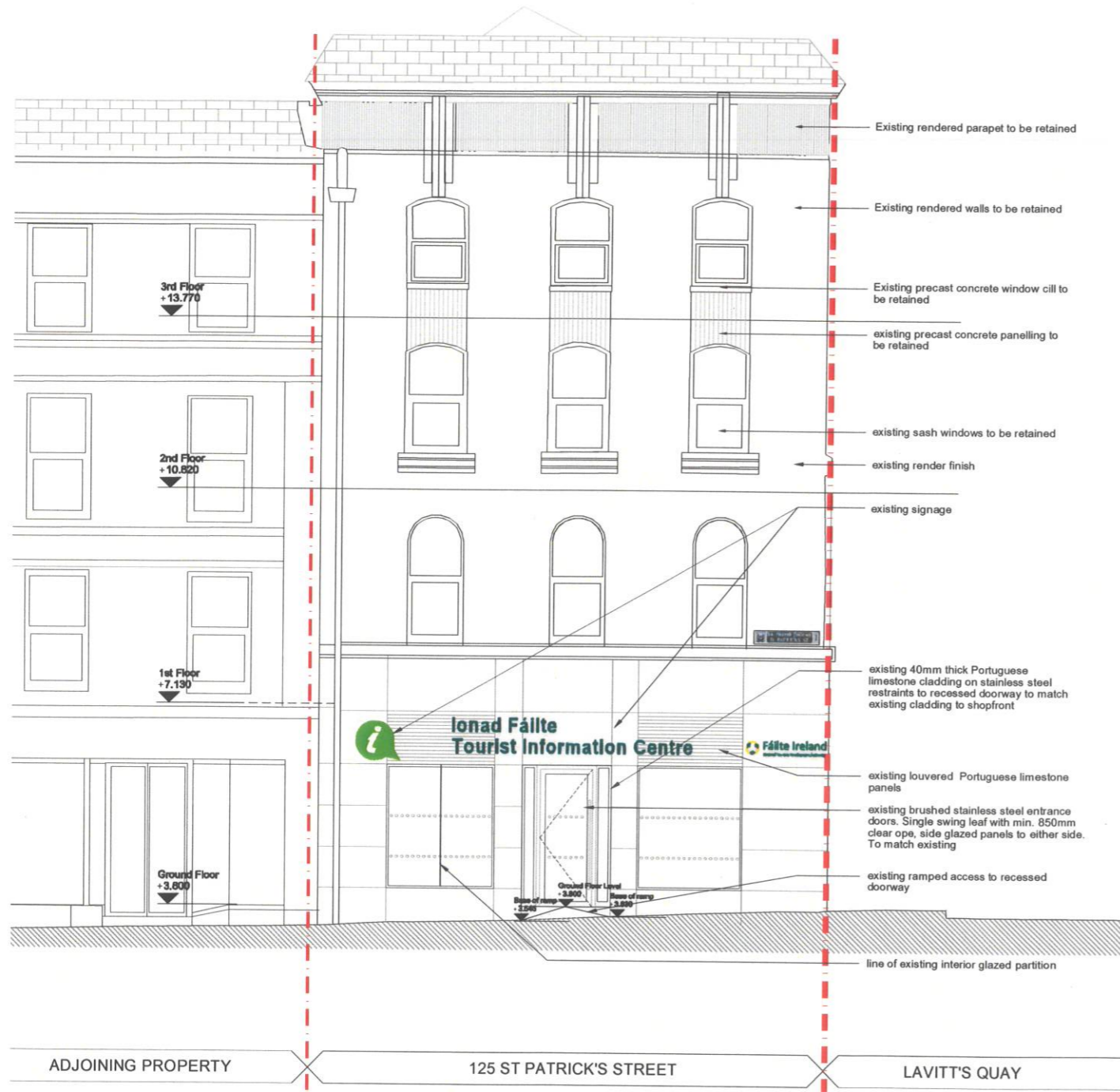
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Client	FALTE IRELAND	Job No.	2019.01
Project	PROPOSED ROLLER SHUTTER TO ENTRANCE FALTE IRELAND TIC ST PATRICK'S STREET CORK	Sheet	A3
Drawing	SECTION THRO PROPOSED ROLLER SHUTTER	Scale	VARIABLE
Stage	PLANNING	Status Code	S3
Status	FOR APPROVAL		
Drawing	22.33-MCA-00-00-DR-A-1023		

REVISION  
P01





01 existing elevation  
scale: 1:100

02 proposed elevation  
scale: 1:100

NOTES:  
Check all dimensions on site. Do not rely on scaled dimensions. This drawing must be read in conjunction with all relevant contract documents.

**Notes:**  
1. All dimensions to be checked and confirmed on site

--- site boundary  
[ ] proposed location of shutter - subject to this application

Rev	Date	Description	Drwn	Chkd	Rev	Date	Description	Drwn	Chkd
					P01	31.03.23	SUBMITTED FOR SECTION 5 EXEMPTION	OK	MJM

Architecture + Interior Design + Masterplanning + Project Management

**MCA**  
ARCHITECTS

Client	FAILTE IRELAND	Job No.	2022.33
Project	PROPOSED ROLLER SHUTTER TO ENTRANCE FAILTE IRELAND TIC ST PATRICK'S STREET CORK	Sheet	A3
Drawing	ELEVATIONS EXISTING + PROPOSED	Scale	1:100
Stage	PLANNING	Status Code	
Status	FOR APPROVAL	53	
Drawing	22.33-MCA-00-00-DR-A-1022	P01	