

COMHAIRLE CHONTAE CEATHARLOCHA
CARLOW COUNTY COUNCIL



COUNTY BUILDINGS, ATHY ROAD, CARLOW.

Tel: Phone: 059-9170300/ Fax: 059-9170836

Website: www.carlow.ie

Application Form for Section 5 Declaration on Development & Exempted Development

1. Name of applicant: Ulster Bank Ltd.
2. Address of applicant: 36 St Andrews, Edinburgh, WH2 2YB. Scotland
3. Name and address for correspondence: Tate Stevenson Architects Ltd
Unit 1, Rawdon Court, Moira. BT67 0LQ

Tel. No: +442892 611 222 Fax No: E-mail: colin@tatestevenson.com
4. Location of Development: Townland: HANOVER PLACE, CARLOW, CO CARLOW

Postal Address: (if different from Townland): R93 NW84
5. Name and Address of Agent: Tate Stevenson Architects Ltd
Unit 1, Rawdon Court, Moira. BT67 0LQ
6. Outline clearly the description of the development / proposal:
Removal of the ATM and night safe and replacement with new glazing to match existing,
removal of shopfront signage and projecting sign,
and removal of the general Ulster Bank merchandising signage.

7. Is this a Protected Structure or within the curtilage of a Protected Structure: _____
No _____
8. List any previous applications relating to the site: unknown
9. Are you aware of aware of any enforcement proceedings relating to this site: _____
unknown
10. Please state applicant's interest in this site: Owner
11. List of plans, drawings etc. submitted with this application: _____

L01_Site Location Map, L02_Site Block Plan

D101_Existing Ground Floor Plan

D102_Proposed Ground Floor Plan

D103_First Floor Plan

D201_Existing Elevations, D202_Proposed Elevations

Signed: _____

Date: 12/05/2023

(Signature of Applicant)

Note: This application must be accompanied by:

Payment of Fee: This application must be accompanied by the statutory fee of €80

Lodgement: The application should be forwarded to:
Planning Department
Carlow County Council
Athy Road
Carlow

OFFICE USE ONLY

Date Received: _____

Date Decision Due: _____

Date of Decision: _____

Recommendation: _____

Advice Note:

This is a non-statutory advice note prepared by Carlow County Council for the purposes of advising applicants what information is required for a decision to be made under Section 5 by the Planning Authority.

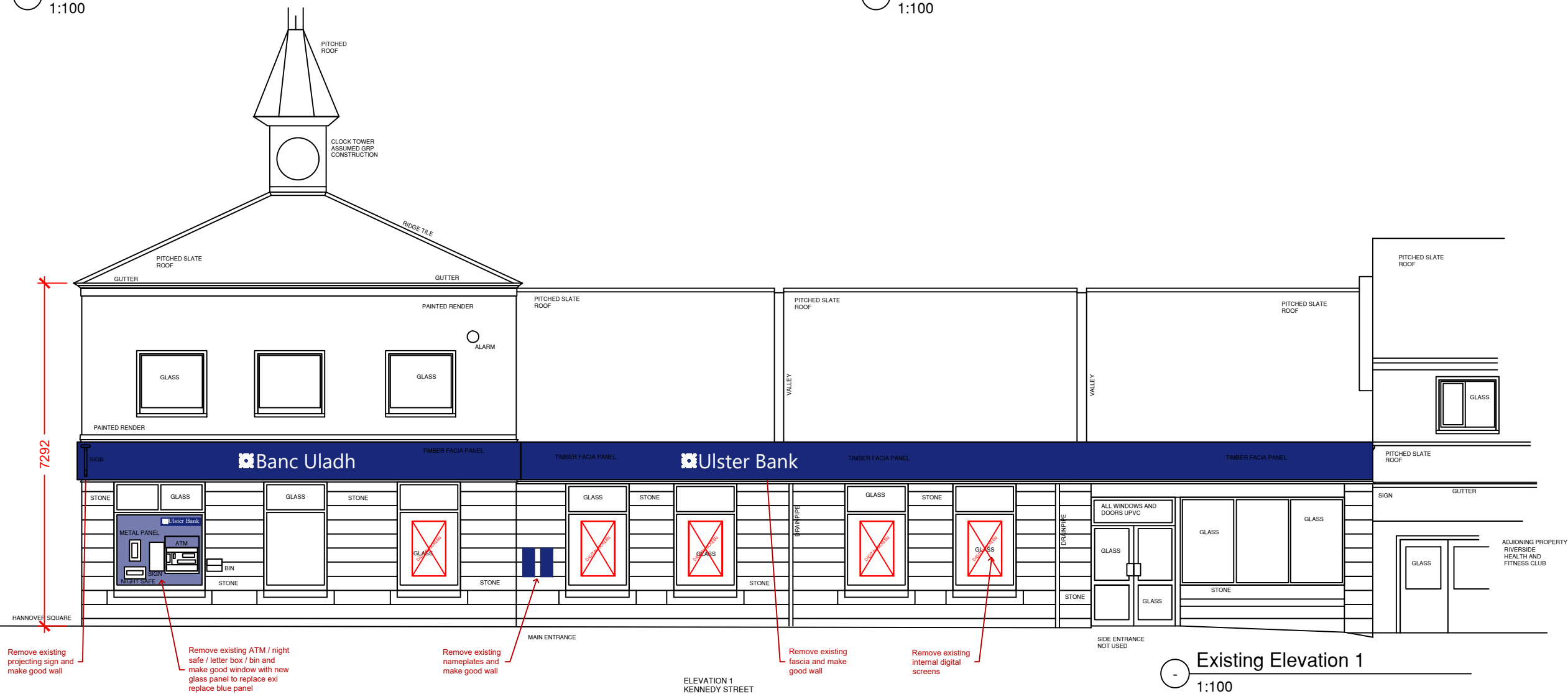
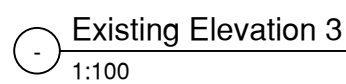
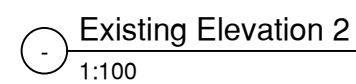
Under Section 5 of the Planning and Development Act 2000 as amended any person may request in writing from the Planning Authority as declaration as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of the Planning and Development Act 2000 as amended.

The Planning Authority is required to make a decision within 4 weeks of receipt of a Declaration Request under Section 5, along with the prescribed fee, however the Planning Authority can also request Additional Information if it is considered that insufficient information has been submitted.

Therefore, it is advised that the following information should be submitted to enable the Planning Authority to make a qualified decision within the prescribed period:

- A site location map (Scale 1:2500 in rural area and 1:1000 in an urban area), with the site clearly outlined in red.
- Site Layout Map (Scale 1:500) in compliance with Article 23 of the Planning and Development Regs 2001 as amended.
- Drawings (Scale 1:50) Where development involves any construction of a new structure, increase in size of existing structure or alterations to an existing structure, scaled floor plans and elevations. Drawings should differentiate between the original building, all extension and proposed development.





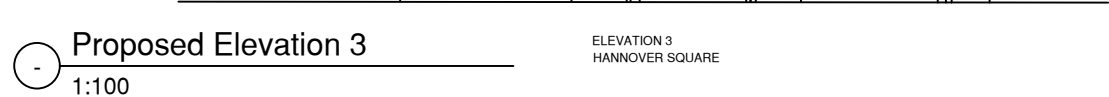
McLaughlin & Harvey

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title Elevations
As Existing

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consultants' drawing number	brand
1206-10_29-201	



McLaughlin & Harvey

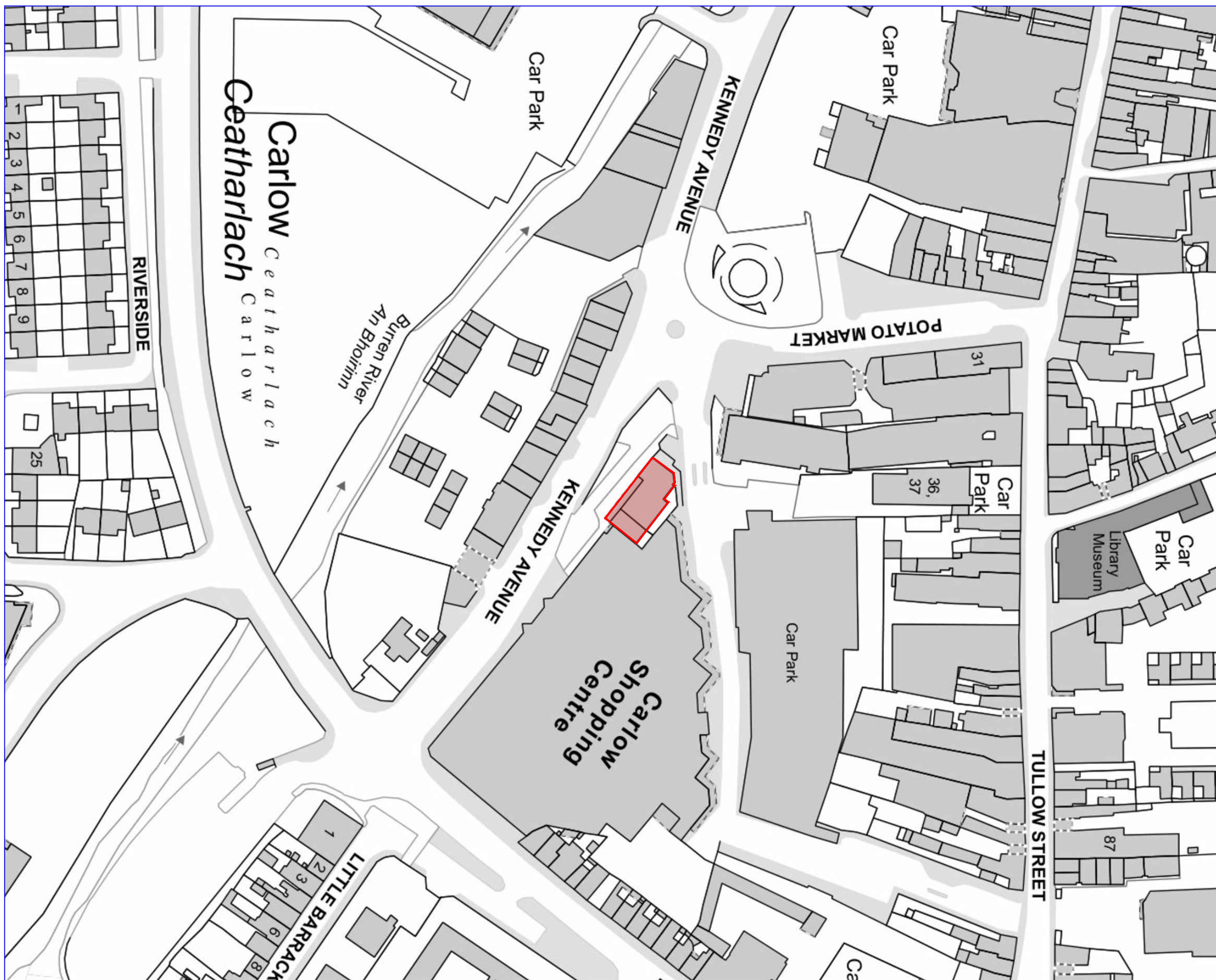
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Elevations
As Proposed

consultants' drawing number	brand
1206-10_29-202	
rbs drawing number	rev.

OVER PLACE,
LOW,
CARLOW

ations
proposed



Group Property

Notes:

This drawing is the copyright and property of The Royal Bank of Scotland plc.
It must not be copied or published without written consent.

This drawing is the copyright and property of NatWest Group plc. It must not be copied or published without written consent. Only scale from this drawing for planning consent purposes.

TATE
STEVENSON
ARCHITECTS LTD
STAZ
FILE
VEN

Unit 1 Rawdon Court
Moirā
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E-mail studio@tatestevenson.com



McLaughlin & Harvey

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project

HANOVER PLACE,
CARLOW,
CO CARLOW

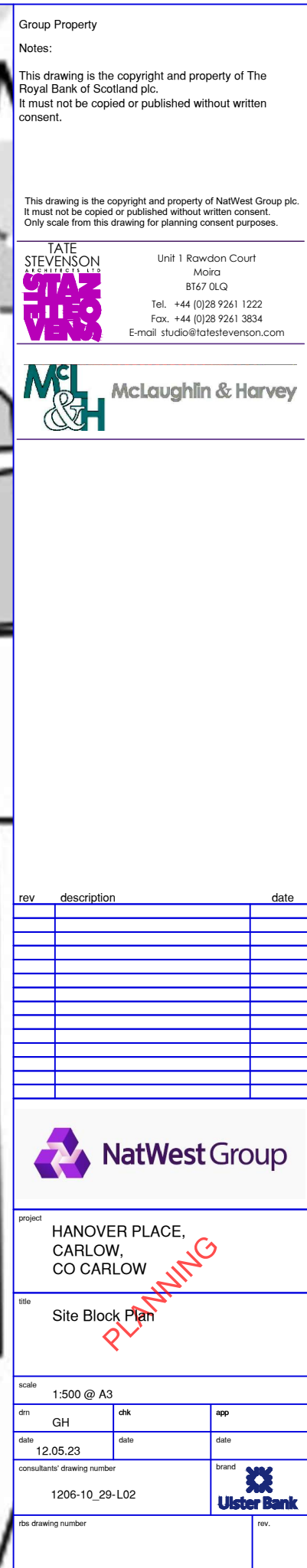
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Re: Sec 5/23/19 - Application for Exemption Certificate under Section 5 of the Planning and Development Act, 2000 (as amended) – Removal of the ATM and night safe and replacement with new glazing to match existing, removal of shopfront signage and projecting sign and removal of the general Ulster Bank merchandising signage at Hanover Place, Carlow, Co. Carlow.

Applicant: Ulster Bank Ltd.

Name and Address for Correspondence: Tate Stevenson Architects Ltd Unit 1, Rawdon Court, Moira. BT67 0LQ.

I refer to documentation submitted to the Planning Authority in relation to the above on the 12th May 2023.

Planning History

There are two number traceable previous planning applications to this site.

PD. 08/538 – Retention of development consisting of an installed air conditioning units placed internally and air conditioning units placed externally at Hanover Place, Kennedy Avenue, Co. Carlow. Invalid/Incomplete Application.

PD. 08/6163 - Retention of as installed air conditioning units placed internally and air condensing units placed externally at Ulster Bank, Hanover Place, Kennedy Avenue, Co. Carlow. Retention Permission Granted on the 13/02/2009 subject to one number condition.

Archaeology/Protected Structures/Architectural Conservation Area/SAC

The site is located within the Zone of Archaeological Potential for Carlow town.

The site is not located within an Architectural Conservation Area.

There are three number designated Protected Structures to the east of the site/building in close proximity as follows –

CT85/NIAH No. 10000566 – Entrance Gates, (Former gateway to the prison) Carlow Shopping Centre, Kennedy Avenue - of National Importance on Architectural, Historical and Group Grounds.

CT86/NIAH No. 10000567 – Carlow Shopping Centre, Kennedy Avenue/Barrack Street (Former wall to the prison now incorporated in the redevelopment) – of Regional Importance on Architectural, Historical and Group Grounds.

CT87/NIAH No. 10000565 – Cafe Le Monde, Carlow Shopping Centre, Kennedy Avenue (Former Goal Governors house, having undergone redevelopment) – of Regional Importance on Architectural, Historical and Group Grounds.

The Burren River is located approx. 91m to the south of the site with the River Barrow SAC located approx. 670m to the west of the site. Given the intervening land uses consisting of

commercial and residential and urban streets/roads it is determined that a Stage 1 Appropriate Assessment Screening Report is not required.

The site is not located within an area identified as a Flood Risk Zone under the CFRAM mapping system nor under the Carlow Town Land Use Zoning Map contained within the Carlow County Development Plan 2022-2028.

The site and area is zoned Town Centre in the Carlow Town Land Use Zoning Map contained within the Carlow County Development Plan, 2022-2028.

Environmental Impact Assessment (EIA)

Having regard to the nature, size and location of the proposed development as detailed in the plans and particulars received, it is considered that there is no real probability of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination would not be required.

Unauthorized Development

There are no unauthorized development/enforcement files in relation to the property in question.

Relevant Legislative/Regulatory Provisions

Planning and Development Act 2000 (as amended) – (hereafter the Act)

- Section 2(1)

“alteration” includes—

(a) plastering or painting or the removal of plaster or stucco, or

(b) the replacement of a door, window or roof,

that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate,

“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.

(2) For the purposes of subsection (1) and without prejudice to the generality of that subsection—

(b) where land becomes used for any of the following purposes—

(i) the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods,

the use of the land shall be taken as having materially changed.

- Section 4(1)

(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;

Also Section 4(2) of the Act, which makes a provision for ministerial regulations to set out further exemptions. The Planning and Development Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the Act.

Planning and Development Regulations 2001 (as amended) – (hereafter the Regulations)
Part 2 of the Regulations deals with exempted development.

- Article 6(1)

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 2.

Article 9(1) as referred to in Article 6(1) sets out a list of restrictions on exempted development.

Assessment

The application is accompanied by site location map and existing elevations and floor plans and proposed elevations and floor plans with full details of existing ATM and night safe, shopfront signage, name plate and projecting sign and general Ulster Bank Merchandising signage on all elevations. The proposed elevations detail the removal of the existing ATM and night safe/letter box/bin and make good and its replacement with new glazing/new glass panel/window to match the existing glazing/window opes, the removal of shopfront signage consisting of fascia panels on all elevations, removal of existing nameplates and make good walls, removal of projecting sign and make good wall, removal of existing internal digital screens and removal of the general Ulster Bank merchandising signage and make good walls.

As detailed above, the development for which a declaration is being sought comprises the:

Removal of the ATM and night safe and replacement with new glazing to match existing, removal of shopfront signage and projecting sign and removal of the general Ulster Bank merchandising signage.

In terms of the provisions of Section 4(1)(h) of the Act and on the basis of the information submitted by the applicant, the removal of the ATM and night safe and replacement with new glazing to match existing, removal of shopfront signage and projecting sign and removal of the general Ulster Bank merchandising signage to the now closed Ulster Bank at Kennedy Avenue comprises works for the maintenance / improvement or other alteration of the existing building. The Removal of the ATM and night safe and replacement with new glazing to match existing, removal of shopfront signage and projecting sign and removal of the general Ulster Bank merchandising signage does not materially affect the external appearance of the building i.e. does not render the appearance of the building inconsistent with its character nor inconsistent with the character of adjoining buildings in the area.

On the basis of the drawings and details submitted, it is considered that the Removal of the ATM and night safe and replacement with new glazing to match existing, removal of shopfront signage and projecting sign and removal of the general Ulster Bank merchandising signage, comes within the scope of Section 4(1)(h) of the Act.

The following is concluded:

The development of the Removal of the ATM and night safe and replacement with new glazing to match existing, removal of shopfront signage and projecting sign and removal of the general Ulster Bank merchandising signage at Ulster Bank, Hanover Place, Carlow. On the basis of the submitted drawings and details received on the **12th May 2023** it is considered that the Removal of the ATM and night safe and replacement with new glazing to match existing, removal of shopfront signage and projecting sign and removal of the general Ulster Bank merchandising signage, comes within the scope of Section 4(1)(h) of the Act and is **exempted development**.

NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of Planning and Development Act 2000 (as amended), hereby decides that the development of the Removal of the ATM and night safe and replacement with new glazing to match existing, removal of shopfront signage and projecting sign and removal of the general Ulster Bank merchandising signage as submitted is development and is exempted development.

Signed

Paula Murphy
Exec. Planner

S.P.

S.P.

22/5/23.

Declaration on Development & Exempted Development

Section 5 of the

Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether development consisting of Removal of the ATM and night safe and replacement with new glazing to match existing, removal of shopfront signage and projecting sign and removal of the general Ulster Bank merchandising signage at Hanover Place, Carlow, Co. Carlow formerly Ulster Bank now closed, is or is not exempted development;

AS INDICATED on the plans and particulars received by the Planning Authority on 12/05/2023;

AND WHEREAS Ulster Bank Ltd., 36 St Andrews, Edinburgh, WH2 2YB. Scotland, requested a declaration on the said question from Carlow County Council;

AND WHEREAS Carlow County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

(a) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);

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

(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;

AND WHEREAS Carlow County Council has concluded that:

- (a) Removal of the ATM and night safe and replacement with new glazing to match existing, removal of shopfront signage and projecting sign and removal of the general Ulster Bank merchandising signage, comes within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that Removal of the ATM and night safe and replacement with new glazing to match existing, removal of shopfront signage and projecting sign and removal of the general Ulster Bank merchandising signage, at Hanover Place, Carlow, Co. Carlow, **is development and is exempted development.**

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed:

Paula Murphy
Exec. Planner

APPENDIX ONE

DESCRIPTION OF PROJECT AND LOCAL SITE

Sec 5/23/19 - Application for Exemption Certificate under Section 5 of the Planning and Development Act, 2000 (as amended) – Removal of the ATM and night safe and replacement with new glazing to match existing, removal of shopfront signage and projecting sign and removal of the general Ulster Bank merchandising signage at Hanover Place, Carlow, Co. Carlow.

Site Location:

Hanover Place, Carlow, Co. Carlow.

Site Size:

Floor area of proposed development:

Identification of nearby Natura 2000 site(s): The River Barrow SAC.

The Burren River is located approx. 91m to the south of the site with the River Barrow SAC located approx. 670m to the west of the site.

Given the intervening land uses consisting of commercial and residential and urban streets/roads it is determined that a Stage 1 Appropriate Assessment Screening Report is **not required**.

The characteristics of existing, proposed or other approved projects which may cause interactive/cumulative impacts with the project being assessed and which may affect the Natura 2000 site:

The Burren River is located approx. 91m to the south of the site with the River Barrow SAC located approx. 670m to the west of the site.

Given the intervening land uses consisting of commercial and residential and urban streets/roads it is determined that a Stage 1 Appropriate Assessment Screening Report is **not required**.

Is the application accompanied by an EIS?

No.

B. IDENTIFICATION OF THE RELEVANT NATURA 2000 SITE(S)

The reasons for the designation of the Natura 2000 site:

A site synopsis can be obtained from www.npws.ie

The conservation objectives/qualifying interests of the site and the factors that contributes to the conservation value of the site:

A site synopsis can be obtained from www.npws.ie

C. NPWS ADVICE

Advice received from NPWS over phone:

None.

Summary of advice received from NPWS in written form:

None

D. ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

(Purpose of this is to identify if the effect(s) identified could be significant – if uncertain assume the effect(s) are significant).

If answer yes to any of the questions, below then the effect is significant.

Would there be any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance)

No.

Would there be a reduction in habitat area on a Natura 2000 site?

No.

Would there be direct/indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the Natura 2000 site?

No.

Would there be serious/ongoing disturbance to species/habitats for which the Natura 2000 site is selected (e.g. because of increased noise, illumination and human activity)?

No.

Would there be direct/indirect damage to the size, characteristics or reproductive ability of populations on the Natura 2000 site?

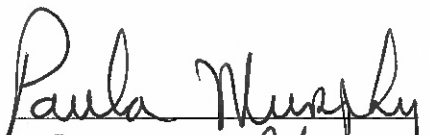
No.

Would the project interfere with mitigation measures put in place for other plans/projects. (Look at in-combination effects with completed, approved but not completed, and proposed plans/projects. Look at projects/plans within and adjacent to Natura 2000 sites and identify them).

No.

E. SCREENING CONCLUSION

It is determined that a Stage 1 Appropriate Assessment is **not required**.

Signed: 
Exec. Planner



**Declaration on Development & Exempted Development
Section 5 of the
Planning and Development Act 2000 (as amended)
Reg Ref. S5.23.19**

WHEREAS a question has arisen as to whether development consisting of Removal of the ATM and night safe and replacement with new glazing to match existing, removal of shopfront signage and projecting sign and removal of the general Ulster Bank merchandising signage at Hanover Place, Carlow, Co. Carlow formerly Ulster Bank now closed, is or is not exempted development;

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

(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;

AND WHEREAS Carlow County Council has concluded that:

(a) Removal of the ATM and night safe and replacement with new glazing to match existing, removal of shopfront signage and projecting sign and removal of the general Ulster Bank merchandising signage, comes within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that removal of the ATM and night safe and replacement with new glazing to match existing, removal of shopfront signage and projecting sign and removal of the general Ulster Bank merchandising signage, at Hanover Place, Carlow, Co. Carlow, **is development and is exempted development.**

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed:

Nicola Cawler

Date:

24/05/2023