



# Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol  
Planning Development and Environment**

Áras An Chontae / County Buildings  
Cill Mhantáin / Wicklow  
Guthán / Tel: (0404) 20148  
Faics / Fax: (0404) 69462  
Rphost / Email: [plandev@wicklowcoco](mailto:plandev@wicklowcoco)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

Ulster Bank Ltd  
C/o Tate Stevenson Architects Ltd  
Unit 1  
Rawdon Court  
Moira  
BT67 0LQ

27<sup>th</sup> April 2023

**RE: Declaration in accordance with Section 5 of the Planning & Development  
Acts 2000 (As Amended) – EX22/2023**

A Chara,

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the  
Planning & Development Act 2000:

Where a Declaration is used under this Section any person issued with a  
Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of  
such fee as may be prescribed, refer a declaration for review by the Board within  
four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

  
\_\_\_\_\_  
**ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT..**



# Comhairle Contae Chill Mhantáin Wicklow County Council

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## DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

**Applicant:** Ulster Bank Ltd

**Location:** 60 Main Street, Bray, Co. Wicklow

**DIRECTOR OF SERVICES ORDER NO 737/2023**

A question has arisen as to whether "removal of the ATM with new glazing to match existing, removal of shopfront signage, removal of night safe facing plate with replacement with blocking plate and removal of general Ulster Bank merchandising signage" at 60 Main Street, Bray, Co. Wicklow is or is not exempted development

### Having regard to:

- The details submitted with this Section 5 Application on the 31/03/2023.
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- Articles 6 of the Planning and Development Regulations 2001, as amended.

### Main Reasons with respect to Section 5 Declaration:

The works are considered to be works for the *maintenance/ improvement of the building* and would *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 neither would it materially affect the character of the area. The works would therefore come within the provisions of Section 4(1) (h) of the *Planning and Development Act 2000 (as amended)*.

**The Planning Authority considers that "removal of the ATM with new glazing to match existing, removal of shopfront signage, removal of night safe facing plate with replacement with blocking plate and removal of general Ulster Bank merchandising signage" at 60 Main Street, Bray, Co. Wicklow is development and is exempted development.**

Signed:

  
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

Dated: 21<sup>st</sup> April 2023

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

Director of Services Order No: 737/2023

Reference Number: EX 22/2023

Name of Applicant: Ulster Bank Ltd

Nature of Application: Section 5 Referral as to whether "removal of the ATM with new glazing to match existing, removal of shopfront signage, removal of night safe facing plate with replacement with blocking plate and removal of general Ulster Bank merchandising signage" is or is not exempted development.

Location of Subject Site: 60 Main Street, Bray, Co. Wicklow

Report from Patrice Ryan, EP & Suzanne White SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "removal of the ATM with new glazing to match existing, removal of shopfront signage, removal of night safe facing plate with replacement with blocking plate and removal of general Ulster Bank merchandising signage" at 60 Main Street, Bray, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- a) The details submitted with this Section 5 Application on the 31/03/2023.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- c) Articles 6 of the Planning and Development Regulations 2001, as amended.

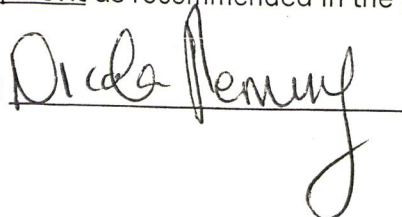
Main Reasons with respect to Section 5 Declaration:

The works are considered to be works for the *maintenance/ improvement of the building* and would *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 neither would it materially affect the character of the area. The works would therefore come with the provisions of Section 4(1) (h) of the *Planning and Development Act 2000 (as amended)*.

Recommendation

The Planning Authority considers that the proposal for removal of the ATM with new glazing to match existing, removal of shopfront signage, removal of night safe facing plate with replacement with blocking plate and removal of general Ulster Bank merchandising signage" at 60 Main Street, Bray, Co. Wicklow is development and is exempted development as recommended in the planning reports.

Signed




Dated 26<sup>th</sup> day of April 2023

**ORDER:**

That a declaration to issue stating:

That "the removal of the ATM with new glazing to match existing, removal of shopfront signage, removal of night safe facing plate with replacement with blocking plate and removal of general Ulster Bank merchandising signage" at 60 Main Street, Bray, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed:

  
Director of Services

Planning Development & Environment

Dated 27 day of April 2023

**WICKLOW COUNTY COUNCIL**

**Planning Department**

**Section 5 – Application for declaration of Exemption Certificate**

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**Ref: EX22/2023**

**Name: Ulster Bank Ltd.**

**Development:** Removal of the ATM with new glazing to match existing, removal of shopfront signage, removal of night safe facing plate with replacement with blacking plate and removal of general Ulster Bank merchandising signage is accepted as exempted development.

**Address:** 60 Main Street, Bray, Co. Wicklow.

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**Site Details:**

The subject site is located on the western side of Bray Main Street on the corner of Main Street and Parnell Road. The ground floor of the building on site comprises of the former Ulster Bank premises.

**Planning History:**

**08/630106:** Planning permission GRANTED to Ulster Bank Ltd for development at No.s 63 and 64 Main Street, Bray. The development will consist of amendments to planning application Reg. Ref 08/34 to provide for alterations to the front elevation and ground floor layout of No.s 63 and 64 to include an ATM, a night safe and a data hatch.

**08/630034:** Planning permission GRANTED for development at Nos. 63 & 64 Main Street, Bray. The development will consist of: change of use of Nos. 63 & 64 Main Street from previously permitted retail use (Class 1) to a bank/financial service provider (Class 2); alterations to the internal layouts of No. 63 & 64 to facilitate the amalgamation of the units to provide a combined floor space of 297 sq.m.; and alterations to the front elevation to provide for the removal of an existing entrance.

**07/630156:** WITHDRAWN. Ulster Bank Ireland sought planning permission for change of use of nos. 63 and 64 Main Street from previously permitted retail use (Class 1) to a bank/financial service provider (class 2); alterations to the internal layouts of nos. 63 and 64 to facilitate the amalgamation of the units to provide a combined floor space of 297sq.m; and alterations to the front elevation to provide for the removal of an existing entrance.

**05/630028:** Planning permission REFUSED demolition of all existing two storey structures (gross floor area 1154sq.m) and the construction of.

**QUESTION:**

*Is the "Removal of the ATM with new glazing to match existing, removal of shopfront signage, removal of night safe facing plate with replacement with blacking plate and removal of general Ulster Bank merchandising signage is accepted as exempted development".*

## LEGISLATIVE CONTEXT

### Planning and Development Act 2000 (as amended)

**Section 3(1)** of the Act states the following in respect of 'development':

*"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 2(1)** of the Act states the following in respect of 'works':

*'Works' includes "Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."*

**Section 4** sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act.

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.

(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.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

- a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and
- b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development.

Section 34 (13) of the Act states that 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'

The building in question is not located within an ACA and is not a protected structure.

## **Planning and Development Regulations 2001(as amended)**

### **Article 6 states:-**

“(1) Subject to Article 9, development of a class specified in column 1 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.

In this regard it is noted that there is no exemption listed under Article 6, Schedule 2 of the Planning and Development Regulations 2001 (as amended) for the development described as the;

*“Removal of the ATM with new glazing to match existing, removal of shopfront signage, removal of night safe facing plate with replacement with blacking plate and removal of general Ulster Bank merchandising signage is accepted as exempted development”.*

The proposal consists of alterations to the façade of a building. Therefore Section 4 of the Planning and Development Act 2000(as amended) will be relevant to the assessment of this Section 5 Declaration.

### **ASSESSMENT**

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

“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.

It should be noted that Section 2 of the Act defines works as:

“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.

I am satisfied that the proposals would involve works and therefore the proposals do constitute development.

The second stage of the assessment is to determine whether or not the proposed works would be exempted development under the Planning and Development Act 2000 (as amended) or it's associated Regulations.

### **Question: As to whether the following:**

*“Removal of the ATM with new glazing to match existing, removal of shopfront signage, removal of night safe facing plate with replacement with blacking plate and removal of general Ulster Bank merchandising signage is accepted as exempted development”.*

It is considered that the proposal consisting of:

- *The Removal of the ATM with new glazing to match existing,*
- *The removal of shopfront signage,*
- *The removal of night safe facing plate with replacement with blacking plate ,*
- *The removal of general Ulster Bank merchandising signage,*

From the street level façades of the former Ulster Bank premises falls within the scope of Section 4 (1)(h) of the Planning and Development Act, 2000, as amended and would, therefore, be exempted development as it is considered that the proposed development consists of the carrying out of works for the maintenance,

improvement or other alteration to the structure on site and the proposed works 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.

## RECOMMENDATION

### Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with this Section 5 Application on the 31/03/2023.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- c) Articles 6 of the Planning and Development Regulations 2001, as amended.

**With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether the:**

- *"Removal of the ATM with new glazing to match existing, removal of shopfront signage, removal of night safe facing plate with replacement with blacking plate and removal of general Ulster Bank merchandising signage is accepted as exempted development";*
- The works are considered to be works for the *maintenance/ improvement of the building* and would *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 neither would it materially affect the character of the area. The works would therefore come with the provisions of Section 4(1) (h) of the *Planning and Development Act 2000 (as amended)*.

The Planning Authority therefore considers that the proposal as described in the documents and details submitted as part of this Section 5 would constitute development and are exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).



Patrice Ryan  
Executive Planner  
25/04/2023

Agreed  
Shirley SEP  
25/4/23

Agreed  
B.C.  
25/4/23



# **MEMORANDUM**

## **WICKLOW COUNTY COUNCIL**

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**TO: Patrice Ryan  
Planner**

**FROM: Nicola Fleming  
Staff Officer**

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**RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 22/2023  
Removal of the ATM with new glazing to match existing, removal of shopfront signage, removal of night safe facing plate with replacement with blanking plate and removal of the general Ulster Bank merchandising signage is accepted as exempted development**

I enclose herewith for your attention application for Section 5 Declaration received 31<sup>st</sup> March 2023

The due date on this declaration is the 27<sup>th</sup> April 2023

  
\_\_\_\_\_  
**Staff Officer  
Planning Development & Environment**



**Comhairle Contae Chill Mhantáin**  
**Wicklow County Council**

**Forbairt Pleanála agus Comhshaol**  
**Planning Development and Environment**

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Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

4<sup>th</sup> April 2023

**Ulster Bank Ltd**  
**C/o Tate Stevenson Architects Ltd**  
**Unit 1**  
**Rawdon Court**  
**Moira**  
**BT67 0LQ**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 22/2023**

**Removal of the ATM with new glazing to match existing, removal of shopfront signage, removal of night safe facing plate with replacement with blanking plate and removal of the general Ulster Bank merchandising signage is accepted as exempted development**

A Chara

I wish to acknowledge receipt on the 31<sup>st</sup> March details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 27/04/2023.

Mise, le meas

  
\_\_\_\_\_  
**SENIOR EXECUTIVE OFFICER**  
**PLANNING DEVELOPMENT AND ENVIRONMENT**

## Nicola Fleming

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**From:** Esther Breslin  
**Sent:** Friday 31 March 2023 14:23  
**To:** Nicola Fleming  
**Subject:** FW: Removal of Ulster Bank ATM, Signage and Branding at 60 Main Street, Bray, Co. Wicklow  
**Attachments:** 1206-10-05\_UBBray\_Section 5 application\_2018.pdf; 1206-10-D01 Site plan.pdf; 1206-10-D10 GF Ex\_ Pro.pdf; 1206-10- D11\_Elevations.pdf

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**From:** Gary Henderson [mailto:gary@tatestevenson.com]  
**Sent:** Friday 31 March 2023 13:58  
**To:** Planning - Planning and Development Secretariat  
**Cc:** Carol Murphy; Nicola Fleming; Crystal White  
**Subject:** Removal of Ulster Bank ATM, Signage and Branding at 60 Main Street, Bray, Co. Wicklow

### Removal of Ulster Bank ATM, Signage and Branding at 60 Main Street, Bray, Co. Wicklow

Good afternoon,

Please see included planning application for the above and the following supporting drawings:  
Section 5 planning application form  
The following drawings:

<i>Drawing / Document Number</i>	<i>Drawing / Document Title</i>	<i>Size</i>	<i>Scale</i>
<i>D01</i>	Location Plan	A1	1/2500_500
<i>D10</i>	Existing & Proposed Plans	A1	1/100
<i>D11</i>	Existing photos with proposals annotated	A1	NTS

The application fee for 80euro will be paid by BACS if details can be emailed to the agent – [colin@tatestevenson.com](mailto:colin@tatestevenson.com)

I trust this is in order, and if you have any queries please contact me.

Kind regards,

**Gary Henderson**

**Tate Stevenson Architects Ltd.**  
*RIBA Chartered Practice: 1888687P*  
Unit 1 Rawdon Court  
Moira  
BT67 0LQ

T: 028 9261 1222  
F: 028 9261 3834  
E: [studio@tatestevenson.com](mailto:studio@tatestevenson.com)  
W: [www.tatestevenson.com](http://www.tatestevenson.com)

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**From:** Crystal White [mailto:CWhite@wicklowcoco.ie]  
**Sent:** 28 March 2023 09:20  
**To:** Gary Henderson <gary@tatestevenson.com>  
**Cc:** Carol Murphy <cmurphy@wicklowcoco.ie>; Nicola Fleming <NFleming@wicklowcoco.ie>  
**Subject:** RE: Ulsterbank Closure\_Bray

Hi Gary,

I have spoken to a Planner regarding your query they have advised;

"Annotated photos should be fine for this, what finish they will use to repair façade where the ATM is removed from and to submit a photographic sample if possible"

Kind regards,

Crystal White  
Assistant Staff Officer | Planning & Environment Directorate Wicklow County Council | County Buildings |  
Station Road | Wicklow Town Co. Wicklow | A67 FW96 | 0404 20100 | Fax: 0404  
67792 | <http://www.wicklow.ie>

**From:** Carol Murphy  
**Sent:** Monday 27 March 2023 10:12  
**To:** Crystal White  
**Cc:** [gary@tatestevenson.com](mailto:gary@tatestevenson.com)  
**Subject:** FW: Ulsterbank Closure\_Bray

Carol Murphy  
Senior Staff Officer | Planning Department | Wicklow County Council  
Extension: 2166

**From:** Gary Henderson [mailto:[gary@tatestevenson.com](mailto:gary@tatestevenson.com)]  
**Sent:** Monday 27 March 2023 09:29  
**To:** Carol Murphy  
**Cc:** Lynn Murphy  
**Subject:** RE: Ulsterbank Closure\_Bray



Wicklow County Council  
County Buildings  
Wicklow  
Co Wicklow  
Telephone 0404 20148  
Fax 0404 69462

**Office Use Only**

Date Received 31/03/2023  
Fee Received \_\_\_\_\_

**APPLICATION FORM FOR A  
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &  
DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT  
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

**1. Applicant Details**

(a) Name of applicant: ULSTER BANK LTD

Address of applicant: 60 Mains Street, Bray. Co Wicklow

Note Phone number and email to be filled in on separate page.

**2. Agents Details (Where Applicable)**

(b) Name of Agent (where applicable) Tate Stevenson Architects Ltd

Address of Agent : Unit 1, Rawdon Court, Moira. BT67 0LQ

Note Phone number and email to be filled in on separate page.

**3. Declaration Details**

- i. Location of Development subject of Declaration 60 Mains Street, Bray. Co Wicklow
- ii. Are you the owner and/or occupier of these lands at the location under i. above ?  
No.

- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier  
Ulster Bank Ltd, 36 St Andrews, Edinburgh, Scotland, EH2 2YB
- iv. Section 5 of the Planning and Development Act provides that : 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 this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration
- Removal of the ATM with new glazing to match existing, removal of shopfront signage, removal of night safe facing plate with replacement with blanking plate and removal of the general Ulster Bank merchandising signage is accepted as exempted development.
- Proposals annotated on 1206-10-05 – D10 & D11
- Additional details may be submitted by way of separate submission.*
- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration  
Planning & Development Act 2000 – Section 4 (h)
- Additional details may be submitted by way of separate submission.*
- vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure ( or proposed protected structure) ? No
- vii. List of Plans, Drawings submitted with this Declaration Application
- 1206-10-05 – D01 Location Plan  
1206-10-05 – D10 Existing & Proposed plans  
1206-10-05 – D11 Existing photos with proposals annotated
- viii. Fee of € 80 by BACS Payment

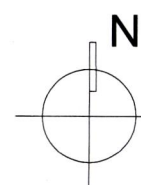
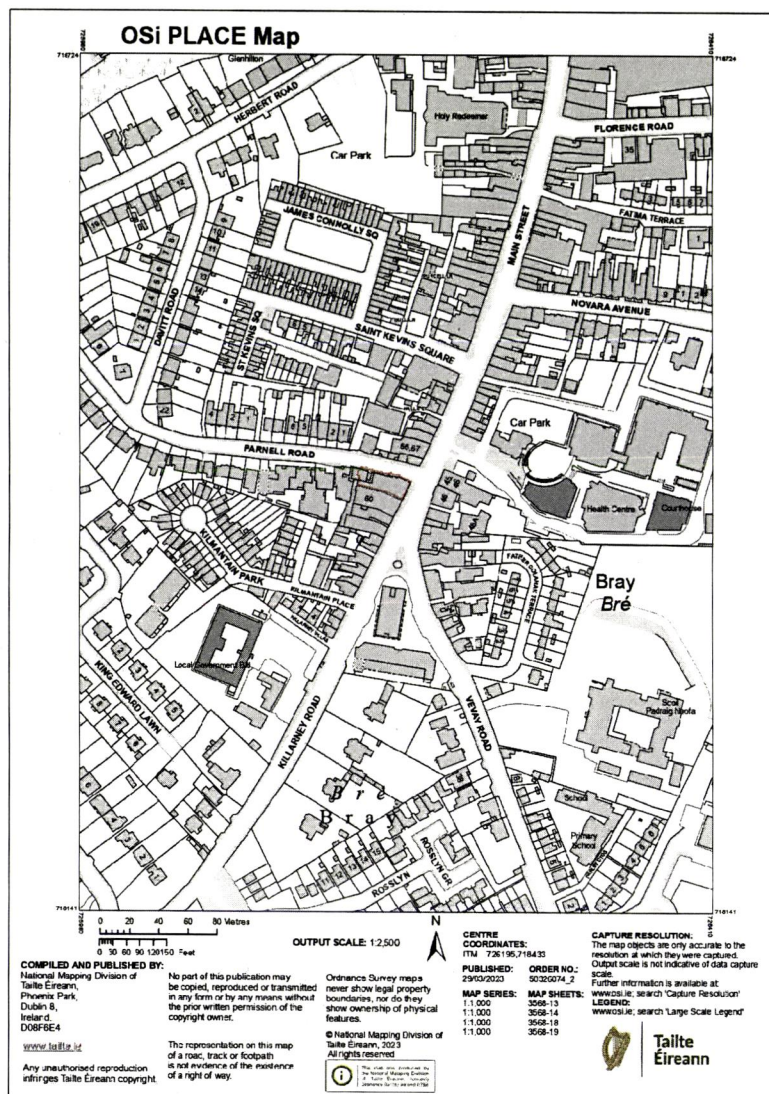
Signed :  Colin McCaffrey

Dated : 30/03/23

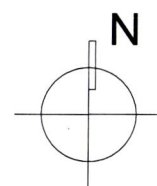








## SITE LOCATION 1:2500



## SITE PLAN (1:500)

notes
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TATE  
STEVENSON  
ARCHITECTS LTD  
STAZ  
FILE  
VEN

Unit 1 Rawdon Court  
Moir  
BT67 0LQ  
Tel. +44 (0)28 9261 1222  
Fax. +44 (0)28 9261 3834  
E-mail [studio@tatestevenson.com](mailto:studio@tatestevenson.com)



**McLaughlin & Harvey**


[illegible]

project  
ULSTER BANK  
61-64 MAIN STREET  
BRAY, CO WICKLOW

title

PROPOSED  
SITE LOCATION & SITE PLAN

scale 1:2500 & 500 @A1

dm	chk	app
DM		
date	date	date
consultants' drawing number		brand
1206-10-5-D01		 <b>Ulster Bank</b>
the drawing number		







PARNELL ROAD

REMOVE ULSTER BANK  
SHOPFRONT SIGNAGE

REMOVE ALL ULSTER BANK  
GENERAL SIGNAGE



MAIN STREET

REMOVE ALL ULSTER BANK  
GENERAL SIGNAGE

REMOVE ULSTER BANK  
SHOPFRONT SIGNAGE

NEW BLANK PLATE

ATM REMOVED, REPLACED WITH  
GLAZING TO MATCH EXISTING

notes
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TATE  
STEVENSON  
ARCHITECTS LTD  
**STAZ  
FILEO  
VENA**

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McLaughlin &amp; Harvey

[illegible]

project

ULSTER BANK  
61-64 MAIN STREET  
BRAY, CO WICKLOW

title

PROPOSED  
EXTERNAL ELEVATIONS

scale NTS

drn	chk	app
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date	date	date
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consultants' drawing number	brand
1206-10-5-D11	 <b>Ulster Bank</b>

rbs drawing number		rev.
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