



An
Bord
Pleanála

**Board Direction
RL04.RL.3498.**

The submissions on this file and the Inspector's report were considered at a Board meeting held on November 14th 2016.

WHEREAS questions have arisen as to whether:

Whether the provision of catering services by IRD Dunhallow at James O'Keefe Memorial Centre, Newmarket, Co. Cork is or is not development or is or is not exempted development

AND WHEREAS IRD Duhallow care of McCutcheon Halley Walsh of 6 Joyce house, Barrack Street, Ballincollig, Co. Cork requested a declaration on the said question from Cork County Council and the said Council issued a declaration on the 6th day of July, 2016 stating that (a) the provision of catering facilities which include the preparation of 150 meals daily and a bakery, from a facility permitted under 13/4860 constitutes development which comes within the scope of the governing permission 13/4860 and (b) the change of use from staff canteen within a single storey ready meal cooking facility to cater for the preparation of 150 meals daily to include a baking area to use as a restaurant within the overall premises is development and is not exempted development

AND WHEREAS the said IRD Duhallow care of McCutcheon Halley Walsh of 6 Joyce house, Barrack Street, Ballincollig, Co. Cork referred the declaration for review to An Bord Pleanála on the 12th day of July, 2016.

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to -

- (a) section 2 of the Planning and Development Act, 2000, as amended,
- (b) the submissions on file,
- (c) the planning history of the subject site, including the layout approved under file reference 13/4860.
- (d) the nature, extent and diversity of uses in the James O’Keeffe Memorial centre.

AND WHEREAS An Bord Pleanála has concluded that –

- (a) the question raised in relation to the permitted use of the premises as a food preparation facility and the current use and scale of operations at the existing ready meals cooking area and bakery and whether it comes within the scope of the permission under planning register reference number 13/04860 is a question that is not within the remit of the Board to answer as it is a matter solely for the planning authority to determine or the Courts to determine if judicial review is sought on the matter,
- (b) the limited use of the canteen as a restaurant open to persons other than those employed in the catering facilities building which it forms part together with its limited extent in the context of the overall land use in the James O’Keeffe memorial Centre is a change of use which is considered not to be a material change of use, and
- (c) the impact on local amenities from the restaurant is not material:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3)(a) of the 2000 Act, hereby decides that:

The provision of catering services at the James O'Keefe Memorial Centre, Newmarket, County Cork is not development.

Board Member _____ **Date:** 14.11.16
Paul Hyde