



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 0320/18

WHEREAS a question has arisen as to whether the use of the existing auditorium bar within The Button Factory, under provision of a “Seven-Day Publican’s Licence” instead of the existing “Publican’s Licence (Ordinary Theatre)” type of licence that will continue to apply to the rest of the building at The Button Factory, Curved Street, Temple Bar, Dublin (a Protected Structure) is or is not development or is or is not exempted development:

AND WHEREAS NOTTUB Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin requested a declaration on the question from Dublin City Council and the Council issued a declaration on the 12th day of September, 2018 stating that the matter is development and is not exempted development:

AND WHEREAS NOTTUB Limited referred the declaration for review to An Bord Pleanála on the 8th day of October, 2018:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) Section 4 of the Planning and Development Act, 2000, as amended,
- (d) Articles 5(1), 6(1) and 10 of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,
- (g) the pattern of development in the area,
- (h) the submissions on file, and
- (i) the report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that –

- (a) The permitted use of the subject premises is, as set out in the planning permission granted under planning register reference number 1661/92, which consisted of “a four-storey over basement music centre including auditorium, backstage facilities, foyer, offices, music rehearsal/experimental facilities, three shop units and ancillary accommodation with frontage onto new curved street, change of use and conversion of Number 11 Temple Lane South including minor changes to listed Temple Lane South elevation and new roof, and retention of listed façade of Numbers 10/10A, including minor changes to elevation”.
- (b) The area within the overall premises that is the subject of this referral, that is the auditorium bar, has not been proven by the referrer to be in accordance with the planning permission.
- (c) An additional use, that being a public house, would be introduced for part of the premises arising from a “Publican’s Seven-Day Licence”, in lieu of a “Publican’s Licence (Ordinary) Theatre”, which is not an incidental use to the main permitted use as a music centre.
- (d) The public house use would be materially different from the permitted uses by reason of changes to opening hours and trading patterns, likely impacts on neighbouring residential amenity, thus constituting development within the meaning of the Planning and Development Act 2000.
- (e) There is no provision for exemption for change of use from music centre to public house under the exempted development provisions of the Planning and Development Act or the Planning and Development Regulations:

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 use of the existing auditorium bar within The Button Factory, under provision of a “Seven-Day Publican’s Licence” instead of the existing “Publican’s Licence (Ordinary) Theatre” type of licence that will continue to apply to the rest of the building at The Button Factory, Curved Street, Temple Bar, Dublin (a Protected Structure) is development and is not exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Terry Ó Niadh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.