



Planning and Development Acts 2000 to 2019

Planning Authority: Cork City Council

Planning Register Reference Number: R520/19

WHEREAS a question has arisen as to whether the alterations to the internal layout of the permitted licensed premises at numbers 52/53 North Main Street, Cork are or are not development or are or are not exempted development:

AND WHEREAS Black Dog Bar and Nightclub Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork requested a declaration on this question from Cork City Council and the Council issued a declaration on the 15th day of July, 2019 stating that the proposed service kitchen located in the existing beer garden at number 53 North Main Street currently operating as a public house and late night bar is development and is not exempted development:

AND WHEREAS Black Dog Bar and Nightclub Limited referred the declaration for review to An Bord Pleanála on the 6th day of August, 2019:

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

- (a) sections 2, 3, 4 and 32 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5 to 11 of the Planning and Development Regulations, 2001, as amended, with particular reference to Articles 6(1) and 9(1)(a)(viii),
- (c) Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, with particular reference to Class 14,
- (d) the planning history of numbers 52 and 53 North Main Street, with particular reference to planning permissions, planning register reference numbers TP12/35314 and TP13/35544, and noting that the current use of number 53 North Main Street presents as a public house whose permitted use is as a licensed café/restaurant and for which no planning permission appears to exist for use as a public house either independently or associated with the public house use at number 52 North Main Street,
- (e) the submissions of the parties to the referral, and
- (f) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the internal alterations carried out to number 53 North Main Street, including alterations in the form of stairway provision, being works which affect only the interior of the structure and which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure, are development and are exempted development in accordance with the provisions of section 4(1)(h) of the Planning and Development Act, 2000, as amended, and
- (b) the alteration to the layout of number 53 North Main Street, in the form of the provision of a 'Service Kitchen' to the rear of the premises, constitutes development which is material for the purposes of the Planning and Development Act, 2000, as amended, and is not exempted development as no planning permission currently exists for this extended floorspace:

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:

- (a) the alterations in the form of staircase provision and other minor alterations are development and are exempted development, and
- (b) the alterations in the form of a 'Service Kitchen' to the layout of the permitted licensed premises are development and are not exempted development,

all at numbers 52/53 North Main Street, Cork.

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.