



An
Coimisiún
Pleanála

Inspector's Report PL-500185-CC

Development	PROTECTED STRUCTURE: Permanent installation of the outdoor seating area. Extension of permitted hours of operation.
Location	Dwyers of Cork , Nos. 27-29, Washington Street
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2544090
Applicant(s)	Moscato Limited
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Moscato Limited
Observer(s)	None
Date of Site Inspection	23rd January 2026
Inspector	Carol Smyth

1.0 Site Location and Description

- 1.1. The appeal site Dwyers Bar, 27-28 and 29 Washington Street, is located within the administrative boundary of Cork City Council. The subject site forms part of an urban block, bound by Hanover Place to the west, Little Cross Street to the east and Hanover Street to the south. The block comprises a central four-storey facade flanked by three-storey wings. The works relate to the exterior of the east wing, No. 27-28, which forms part of the Record of Protected Structures (RPS Ref. 1096 and 1097) and is located within the North Main Street Architectural Conservation Area (ACA). The central building and west wing are also protected structures.
- 1.2. A single storey outdoor seating area structure, which is the subject of this appeal, is located on the eastern side of Dwyers Bar and fronts onto Little Cross Street. Little Cross Street is currently pedestrianised and consists of temporary structures along both footpaths with a strip of roadway remaining for pedestrian permeability between Washington Street and Hanover Street.

2.0 Proposed Development

- 2.1. Permission for development at this site at Dwyers of Cork, Nos. 27-29 Washington Street, Cork (Protected Structure Ref Nos. PS1096 and 1097). The development will consist of the permanent installation of the outdoor seating area and all associated ancillary structures required to facilitate outdoor dining, including screens, heaters, awnings, directly adjoining the building on Little Cross Street and Washington Street previously granted a 3 no. year permission (CCC Reg. Ref. 21/40746). No internal works are proposed to the building. In addition, the proposed development seeks to extend the permitted hours of operation (CCC. Reg. Ref. 20/39528) to align with Publican's Licence. Hours of Operation afforded by Licence: Monday-Wednesday (12pm-11-30pm) Thursday (12pm -1am) Friday and Saturday (12pm-2.30am) Sunday-(12pm-1am) with exception when Sunday Bank Holiday goes to 2.30am.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. A **split decision** was issued by the planning Authority on the 7th October 2025 to Grant permission to extend the permitted hours of operation of the business (CCC. Reg. Ref 20/39528) to align with Publican's Licence. Hours of Operation afforded by Licence:

- Monday - Wednesday (12pm- 11.30pm)
- Thursday (12pm- 1am)
- Friday and Saturday (12pm - 2.30am)
- Sunday - (12pm- 1am) with exception when Sunday bank Holiday goes to 2.30am.

Subject to conditions and to

Refuse permission for the permanent installation of the outdoor seating area and all associated ancillary structures required to facilitate outdoor dining, including screens, heaters, awnings, directly adjoining the building on Little Cross Street and Washington Street previously granted a 3-no. year permission (CCC Reg. Ref. 21/40746) for the following reasons:

1. *Having regard to the ancillary elements of the development for which permission is sought to facilitate outdoor dining on Little Cross Street, they form an obtrusive structure that has a negative visual impact on the character and setting of the protected structure (PS Ref: PS1096) and the character of the North Main Street Architectural Conservation Area (ACA) due to its scale, materials, bulk and design. The proposed development contravenes Strategic Objective 7 and Objectives 8.17, 8.19, 8.22 and 8.23 of the Cork City Development Plan 2022 - 2028 and is therefore considered contrary to proper planning and sustainable development.*
2. *Having regard to the proposed development, which includes permanent fixed structures on public land, it is considered that it is not in accordance with Paragraph 11.199 of the Cork City Development Plan 2024 -2028 and would set*

an undesirable precedent for similar type development in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Area Planner's Report dated 3rd October 2025 recommended a split decision and contains the following points of note:

- There is no objection to the proposed hours of operation of the premises subject to conditions.
- The structure in question was granted a 3-year temporary permission under Reg. Ref. 21/40746 which expired April 2025.
- The planning application development description and public notices do not reference the development as being for retention permission.
- The existing structure differs from the structure granted temporary permission with regard to detailing and materials.
- The structure on Little Cross Street is haphazard and temporary in nature and would be contrary to the pattern of development of the area and established character of the area.
- The encroachment onto the public footpath and roadway, would diminish the quality and functionality of the public realm and detract from the integrity of the Protected Structures and the North Main Street Architectural Conservation Area.
- The structure is considered to have a negative impact on the setting of the building, permeability of the street and the visual amenities of the area.

3.2.2. Senior Executive Planners Report dated 6th October 2025, concurred with the Area Planners recommending a split decision and amended the reasons for refusal as set out by the Area Planner.

3.2.3. Senior Planners Report dated 6th October 2025, concurred with the Area Planner and Senior Executive Planners reports and recommended a split decision.

3.2.4. Conservation Report dated 1st October 2025, recommended refusal having regard to the enclosed nature of the structure and associated fixed awning with heavy framing.

The Conservation Officer considered that the development is an obtrusive structure that has a negative impact on the character and setting of the protected structure and the character of the North Main Street Architectural Conservation Area due to its scale, materials, bulk and design.

- 3.2.5. Area Engineer Report dated 3rd October 2025. Recommended refusal having regard to the location of the structure along Little Cross Street and considered the appropriate mechanism for this type of development to be a street furniture licencing framework. This requires all street furniture and associated barriers to be removable.

The Area Engineer Report notes that the area where fixed structures are located is public land, and it is not possible to transfer or allocate this space for private use.

3.3. **Prescribed Bodies**

None on file.

3.4. **Third Party Observations**

None on file.

4.0 **Planning History**

4.1. **Cork City Council Reg. Ref. 21/40746**

- 4.2. **Permission and retention permission granted** for development at Nos. 27 – 29 Washington Street, Cork (Protected Structure PS 1096/1097). The development will consist of permission for retention of 7 no. flagpoles on the Washington Street elevation. The development will also consist of the removal of 5 no. existing awnings and replacement with 7 no. new awnings, to the exterior of the structure on Little Cross Street elevation and the removal of 2 no. existing awnings and replacement with 5 no. new awnings to the exterior of the structure on the Washington Street elevation and all associated ancillary structures required to facilitate outdoor dining, including screens and heaters, directly adjoining the building on Little Cross Street and Washington Street. No internal works are proposed to the building.

Condition No. 2 attached to the grant of permission limited the permission for the screening structures on Little Cross Street to a maximum of three years. Condition

No's 3 and 5 omitted the flag poles and screens on the footpath on Washington Street.

4.3. **Cork City Council Reg. Ref. 20/39528**

4.4. **Permission granted** for development at Nos. 27 - 29 Washington Street, Cork (Protected Structure PS 1096/1097) The development will consist of a change of use from Licensed Restaurant (Ground and First Floor), with ancillary bar to bar/restaurant (7 62 sqm.). No external works are proposed to the building.

4.5. **Cork City Council Reg. Ref. 17/37662**

4.6. **Retention permission granted** for the as constructed extension to the permitted restaurant and ancillary bar premises known as Rachel's Restaurant (Ref: 16/36972). This comprises an increase in gross floor area of 21sq.m. Planning Permission is being sought for the following: 1) the change of use of part of the ground floor (65sq.m) from office use (formerly George Mills Solicitors) for inclusion in the permitted restaurant and ancillary bar premises - 65sq.m. 2) change of use of part of the first floor (112sq.m) from office use (formerly George Mills Solicitors) to restaurant and ancillary bar use supporting the permitted ground floor restaurant and ancillary bar (16/36972). 3) minor elevational changes & 4) connections to all relevant services. The proposed works will be carried out to a protected structure PS 1096/1097.

4.7. **Relevant Adjacent Planning History:**

4.8. **ABP319259-24/ Cork CC Reg. Ref. 23/42538**

Permission Refused for 1) The retention of an existing fixed awning structure consisting of a prefabricated galvanized frame bolted to existing block wall, metal tension rods, and a retractable red and white striped awning material covering. 2) The retention of existing raised external seating area surrounded by a timber panel fence, stud wall and timber planters. 3) The installation of a metal frame structure with fixed toughened glass panels, to be fitted on top of the existing stud wall to create a sheltered seating enclosure. The proposed structure will be 500 mm below the existing awning structure all round.

The proposed enclosure will include 3 no. emergency exit doors facing onto Little Cross Street as well as two additional metal frame doors with glass and cladding to

be located at either end of the enclosure. 4) all associated site development works. Reasons for refusal are as follows:

1. *'Having regard to scale, form detailed design and location relative to the Protected Structure and the North Main Street Architectural Conservation Area, it is considered that the retention of the existing awning and supporting structure and the proposed outdoor seating enclosures to Little Cross Street would have a negative visual impact, resulting in an obtrusive feature which would adversely affect the character, setting, and heritage amenity of both the Protected Structure and the Architectural Conservation Area. The development proposed to be retained, and the proposed development would, therefore, be contrary to Objective 8.17, 8.19, 8.23 of the Cork City Development Plan 2022 - 2028 and would be contrary to the proper planning and sustainable development of the area.'*

2. *'The scale, positioning, and fixed nature of both the retained and proposed development would reduce the carriageway width on Little Cross Street such that it would hinder appropriate access for emergency service vehicles and, therefore, create a traffic hazard. The development proposed to be retained, and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.'*

5.0 Policy Context

5.1. Development Plan

5.2. Cork City Development Plan 2022-2028

- 5.2.1. The site is governed by the policy and objectives of the Cork City Development Plan 2022-2028 (referred to hereafter as the Development Plan). The site is Zoned ZO 5: City Centre, the stated objective of which is to consolidate and facilitate the development of the central area and to promote its role as a dynamic mixed used centre for community, economic, civic, cultural and residential growth.
- 5.2.2. Strategic Objective 7: Heritage, Arts and Culture. Objective to protect and reinforce the unique character and built fabric of the city, towns, villages, suburbs, neighbourhoods and places that make up the fabric of Cork City, both the character

derived from the natural environment and the man-made character created by the built form. This will be achieved by protecting Protected Structures, archaeological monuments, archaeological heritage and Architectural Conservation Areas, while providing opportunities for new development that respects the rich, historic built heritage of the city. Relevant objectives include:

- Objective 8.17: Conservation of the City's Built Heritage
- Objective 8.19: Record of Protected Structures
- Objective 8.23: Development in Architectural Conservation Areas

5.2.3. Chapter 11 includes the policies aimed at delivering Strategic Objective 9, Placemaking and Managing Development. This chapter sets out the Council's guidance and priorities for development proposals. Of primary importance is securing development of the highest architectural and urban design quality that is people-centric and resilient to climate change and other challenges. The relevant sections of this chapter are:

- Section 11.187/188: Public House, Licenced Premises, Night Clubs
- Section 11.193: Shopfronts and Commercial Facades
- Section 11.199: Street Furniture
- Section 11.201: Protected Structures
- Section 11.202: Architectural Conservation Areas

5.2.4. Volume 3 – North Main Street Architectural Conservation Area

5.3. **Section 28 Ministerial Guidelines**

5.3.1. Architectural Heritage Protection – Guidelines for Planning Authorities (2011)

5.3.2. This guidance is a material consideration in the determination of applications and sets out comprehensive guidance for development in conservation areas and affecting protected structures. It promotes the principle of minimum intervention and emphasises that additions and other interventions to protected structures should be sympathetic to the earlier structure and of quality in themselves and should not cause damage to the fabric of the structure, whether in the long or short term.

5.4. Natural Heritage Designations

5.4.1. The site is not located within any National or European designated sites. The following site are in closest proximity to the appeal site:

- Proposed Natural Heritage Area (pNHA) Cork Lough (Site Code: 001081) approximately 1km to the southwest of the site.

5.5. EIA Screening

5.5.1. See EIA Pre-Screening Form 1 in Appendix 1. The development is not a class of development requiring mandatory or sub-threshold EIA and therefore there is no EIA Screening requirement.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the Planning Authority's decision to refuse permission for the permanent installation of the outdoor seating area and all associated ancillary structures required to facilitate outdoor dining, including screens, heaters, awnings, directly adjoining the building on Little Cross Street and Washington Street previously granted a 3-no. year permission (CCC Reg. Ref. 21/40746). The grounds of appeal is summarised as follows:

- The proposal seeks the continuation of a previous temporary permission.
- The proposal is acceptable in terms of its architectural appearance and design.
- The proposed development does not negatively impact on the site's context and heritage qualities.
- The proposed development does not provide a negative precedent and is consistent with the Cork City development Plan 2022-2028 and has a positive impact on the area.
- Little Cross Street was pedestrianised under Cork City Council's public realm improvement and placemaking programme and the outdoor dining facility brings vibrancy to the area.

- The development was designed following engagement with Cork City Councils engineers and is located on a pedestrian street and benefits the area improving the usability, safety and vitality of the area.
- The outdoor dining area is consistent with the policies and objectives of the Development Plan including Sections 7.16 Local Plans, Section 7.33 Enhance Tourism, Section 7.102, Objective 7.37 Vibrant and Mixed-use Centres and Objective 10.10 City Centre Night-time Economy.
- First Reason for Refusal
 - Sets out that the PA has not detailed how the existing structure differs from the permitted to the point that the proposal has a fundamental negative different impact upon the host Protected Structure, the ACA or the local area.
 - The proposed development has been constructed and implemented in accordance with the previous permission.
 - The PA has not detailed any a significant material deviation from what was previously permitted, which is needed to support the conclusions of the PA.
 - The subject structure does not have a negative effect on the area but contributes to its vitality and the continued viability of the operation of the business.
- Second Reason for Refusal
 - The PA argues that the proposal is not in accordance with Paragraph 11.199 of the Development Plan and conflicts with Cork City Council's policies on street furniture as it proposes fixed structures on a public street where only removable barriers are permitted.
 - The PA argues that the correct mechanism is a street furniture licencing framework. The PA did not consider this to be an appropriate mechanism when assessing the previous proposal and has not set out why a different approach has been taken now.
 - There is no current policy within the Cork City Development Plan which prohibits fixed structures on a public street.
 - The proposal accords with Paragraph 11.199 of the Development Plan.

- The proposal represents an improvement on previous proposals for outdoor seating in the area and represents a favourable precedent.

6.2. **Planning Authority Response**

The details of the first-party appeal are noted. Temporary permission was granted under Reg. Ref. 21/40746, in response to the Covid 19 pandemic to facilitate social distancing and outdoor dining in support of local businesses. It is the view of the Planning Authority that the correct mechanism for this type of development on public streets is the Street Furniture Licencing mechanism issued on an annual basis by the City Council and subject to conditions.

6.3. **Observations**

None on file.

6.4. **Further Responses**

None on file.

7.0 **Assessment**

- 7.1. This is a first party appeal against the Planning Authority's decision to refuse permission for the permanent installation of an outdoor seating area. The refusal formed part of a split decision issued by the Planning Authority, whereby permission was also granted for an extension of the permitted hours of operation. Having regard to the zoning objectives for the area as set out in the Development Plan and the established use on the site, I am satisfied that the extension of the permitted hours of operation is in accordance with the provisions of the Development Plan, would not seriously injure the amenity of adjoining property and is in accordance with the proper planning and sustainable development of the area. I will therefore limit my assessment to the permanent installation of the outdoor seating area on Little Cross Street.
- 7.2. Having examined the applications details and all other documentation on file, including all the submissions received in relation to the appeal, the report/s of the

local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Reason for Refusal No.1
- Reason for Refusal No.2

7.3. Reason for Refusal No. 1

- 7.3.1. The first reason for refusal relates to the negative visual impact of the outdoor dining structure on Little Cross Street. The Planning Authority considered that the existing awning structure, metal supporting framework and enclosures due to its scale, mass and design has a negative visual impact on the character and setting of the Protected Structure and the North Main Street Architectural Conservation Area. The Planning Authority therefore considered that the development contravenes Strategic Objective 7 and Objectives 8.17, 8.19, 8.22 and 8.23 of the Cork City Development Plan 2022 - 2028 and is contrary to proper planning and sustainable development.
- 7.3.2. The grounds of appeal state that the Planning Authority has not detailed any significant material deviation of the development from what was previously permitted under Cork City Council Reg. Ref. 21/40746 to support the conclusions of the Planning Authority in determining the reason for refusal. The appellant states that the development has been constructed and implemented in accordance with the previous permission and that the Planning Authority has not detailed how the existing structure differs from the permitted development to the point that the proposal has a fundamentally negative different impact upon the Protected Structure or the Architectural Conservation Area.
- 7.3.3. As set out in Strategic Objective 7 - Heritage, Arts and Culture, of the Development Plan, it is an objective to protect and reinforce the unique character of the City by protecting *inter alia* Protected Structures and Architectural Conservation Areas. Objectives 8.17 and 8.19 of the Development Plan further seeks to promote the care and appropriate use of historic buildings, guided by national heritage policy. While Objective 8.23 of the Development Plan sets out that any development in Architectural Conservation Areas must respect the historic character and avoid harming public-realm features and ensure that design and materials are appropriate to the character of the original buildings.

- 7.3.4. I note that the awning and screen enclosure benefits from a temporary planning permission which expired in April 2025. Having reviewed the previous application drawings and visited the site, in my opinion there are elements of the installation that do not align with the temporary planning permission granted under Reg. Ref. 21/40746. In this regard I note that enforcement is a matter for the Planning Authority. The development granted temporary permission comprised a lightweight awning with metal supports and low-level screens. I am of the view that there are significant inconsistencies between the development granted temporary permission and what has been installed, including the installation of a fixed bulky metal support frame, additional glazed screens and the provision of further screening and solid emergency exit doors at the ends of the enclosure installed over a fixed platform. I therefore consider that the development as constructed is materially different from that granted temporary permission to the extent that it adversely impacts the character of the Protected Structure and the Architectural Conservation Area.
- 7.3.5. While I consider that the temporary permission is an indication that the Planning Authority accepted the principle of awnings and semi-enclosed outdoor areas, I am of the view that the temporary nature of this permission was such to allow the Planning Authority the opportunity to revisit the issue having regard to the impacts of the development on the surrounding context and host building upon expiry of the consent. In this regard I note the response from the Planning Authority in relation to this appeal, which outlines that the temporary permission granted under Reg. Ref. 21/40746 was in response to the Covid 19 pandemic. I am therefore satisfied that the previous temporary permission was issued in an entirely different economic and social climate in response to the Covid 19 pandemic and the need to facilitate social distancing and outdoor dining in support of local businesses and under the previous Development Plan 2014-2022.
- 7.3.6. The grounds of appeal further state that the subject structure does not have a negative effect on the area but contributes to its vitality and the continued viability of the operation of the business. I recognise the importance of outdoor dining spaces to the night-time economy and the street vibrancy and support the principle of providing outdoor covered seating in accordance with Section 11.187 – Street Furniture and the ZO 5 land use zoning objective. I further note that outdoor dining is supported within Sections 7.16 - Local Plans, Section 7.33 - Enhance Tourism,

Section 7.102 - Vibrant and Mixed-use Centres , Objective 7.37 - Vibrant and Mixed-use Centres and Objective 10.10 - City Centre Night-time Economy, of the Development Plan, as outlined within the grounds of appeal. However, I have concerns regarding the design of the existing awning, supporting metal frame structure, screening enclosures and platform. I note that the awning material can be retracted, however the large bulky supporting metal frame, screen enclosures and platform cannot. I therefore consider the development to be a visually incongruous feature that causes harm to the character, setting, and quality of the Protected Structure and Architectural Conservation Area which is contrary to Strategic Objective 7 Heritage, Arts and Culture and Objectives 8.17, 8.19 and 8.23 of the Development Plan and should be refused for this reason.

7.4. Reason for Refusal No. 2

- 7.4.1. The second reason for refusal relates to the permanency of the fixed structures on public land which the Planning Authority considers to be contrary to Section 11.199 – Street Furniture of the Development Plan. The Planning Authority considers the development would set an undesirable precedent for similar type development and would be contrary to the proper planning and sustainable development of the area.
- 7.4.2. The report from the Local Authority’s Area Engineer notes that the location of the permanent fixed structure is on public land and that under the current licencing framework all street furniture and associated barriers must be removable. The Planning Authority considered that the development conflicted with Cork City Council’s policies on street furniture as it proposes fixed structures on a public street where only removable barriers are permitted and considered that the correct mechanism for the development is the street furniture licencing framework.
- 7.4.3. The appellant refers to Section 11.199 – Street Furniture of the Development Plan and considers that the Planning Authority are incorrect in concluding that the development requires a street furniture licence.
- 7.4.4. Having reviewed the application drawings and having visited the site I note that the development is positioned over the public footpath and extends out over the pedestrianised carriageway of Little Cross Street and is located on public lands. Section 11.199 of the Development Plan, states that street furniture requires either a licence under Section 254 of the Planning and Development Act, 2000 (as amended)

or planning permission (including street furniture erected on private lands). I am therefore satisfied that Section 11.199 of the Development Plan allows for the submission of a planning application for street furniture on public lands. In this regard I further note that the planning application documentation contained a letter of consent from Cork City Council to include the lands in its control and ownership to facilitate the planning application.

7.4.5. The grounds of appeal further sets out that there are no policies within the Development Plan which prohibits fixed structures on a public street. The appellant considers that the proposal accords with Section 11.199 of the Development Plan. In this regard I note that Section 11.199 states that it is an objective of the City Council to control the location and quality of such street furniture to maintain a high-quality public realm, and to ensure footpaths and paved areas remain unobstructed and clutter free. I am not satisfied that the development is located so as to prevent obstruction or clutter on the public footpath, and pedestrianised carriageway of Little Cross Street. I therefore consider that the development is contrary to the provisions of Section 11.199 - Street Furniture, of the Development Plan and should therefore be refused in this regard.

7.4.6. The appellant considers that the development is an improvement on previous proposals for outdoor seating in the area and is therefore a positive precedent. Section 11.199 of the Development Plan provides criteria to be used when assessing applications for outdoor tables and chairs as follows:

1. Size and location of the facility.
2. Concentration of existing street furniture in the area.
3. The visual impact of the structure, particularly in relation to the colour, nature and extent of advertising on all ancillary screens.
4. Impact on the character of the streetscape.
5. The effects on the amenities of adjoining premises, particularly in relation to hours of operation, noise and general disturbance.
6. Impact on access and visibility.

7.4.7. I refer the Commission to Section 7.2 above, where I have assessed the scale and location of the development, the visual impact of the structure and the impact on the

character of the streetscape and concluded that the development is an obtrusive and inappropriate feature that causes harm to the character, setting, and quality of the Protected Structure and Architectural Conservation Area. I therefore consider that the development sets a negative planning precedent and is contrary to the criteria outlined in Section 11.199 – Street Furniture of the Development and should be refused in this regard.

- 7.4.8. In terms of the effects on the amenities of adjoining premises, given the town centre location of the development and absence of residential property in the immediate vicinity of the site, I do not consider that the development would unduly impact on the amenity of adjoining premises in terms of hours of operation, noise and general disturbance and is acceptable in this regard.
- 7.4.9. In terms of the concentration of existing street furniture in the area, having visited the site I note that the outdoor seating area to the side of Rearden's Pub on the opposite side of Little Cross Street remains in place following a refusal under Ref. ABP319259-24. As previously noted in my assessment above, enforcement is a matter for the Local Authority. Given that the outdoor seating area to the side of Rearden's Pub is unauthorised I do not consider that there is an over concentration of permitted street furniture in the area.
- 7.4.10. As a result of the outdoor seating areas the carriageway width on Little Cross Street is narrowed to approximately 3 metres in width. The second reason for refusal for the outdoor seating area to the side of Rearden's under Ref. ABP319259-24, related to the reduced carriageway width on Little Cross Street which was considered to hinder appropriate access for emergency service vehicles, creating a traffic hazard. In relation to the current appeal, I note that a letter from a fire consultant was included with the planning application documentation and the grounds of appeal, which states that the development would not affect the fire safety at Dwyer's, Rearden's or Courthouse Chambers on Little Cross Street. In addition, I note that the street is currently pedestrianised and that access or visibility was not raised as an issue by the Planning Authority under the current application. I am therefore satisfied that the development does not negatively impact on access or visibility and therefore accords with the provisions of Section 11.199 in this regard.

7.4.11. To conclude, while I consider that outdoor seating has an important role to play in the vibrancy of streets, contributing to the animation, vibrancy and vitality. It is my opinion that the fixed nature of the structural frame, enclosing screens and platform and the height, bulk and detailed design of the development is such that it effectively forms a permanent barrier to the street that would, in my view, hinder the ability of the space to contribute to the vibrancy and vitality of the area. I further consider that due to its fixed nature and scale, bulk and design, the development causes an obstruction and clutter on the public footpath and pedestrianised carriageway of Little Cross Street and appears visually incongruous. I therefore consider that the development is contrary to the provisions of Section 11.199 - Street Furniture, of the Development Plan and should therefore be refused in this regard.

8.0 AA Screening

- 8.1. The proposed development comprises street furniture on the public footpath in an urban area. No nature conservation concerns were raised in the planning appeal.
- 8.2. Having considered the nature, small scale and location of the project, and taking account of the screening determination of the Planning Authority, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.
- 8.3. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Appropriate Assessment, therefore, is not required.

9.0 Water Framework Directive

- 9.1. The subject site is located in an urban area which adjoins the river Lee IE_SW_060_0950. The subject site is located circa 63 metres to the north of the river Lee.
- 9.2. The proposed development comprises street furniture on the public footpath.
- 9.3. No water deterioration concerns were raised in the planning appeal.

- 9.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the small scale and nature and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 9.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

10.1. I recommend a SPLIT decision for the development

Grant permission to extend the permitted hours of operation of the business to align with the Publican's Licence. Hours of Operation afforded by Licence

- Monday -Wednesday (12pm -11.30pm)
- Thursday (12pm – 1 am)
- Friday and Saturday (12pm – 2.30am)
- Sunday (12pm – 1am) with the exception of Sunday bank holiday (12pm - 2.30am)

for the reasons and considerations set out under Schedule 1 below together with the conditions thereunder.

Refuse permission for the permanent installation of the outdoor seating area and all associated ancillary structures required to facilitate outdoor dining, including screens, heaters, awnings, directly adjoining the building on Little Cross Street and Washington Street previously granted a 3 no. year permission (CCC Reg. Ref. 21/40746) for the reasons and considerations set out under Schedule 2

10.2. Schedule 1

10.2.1. **Reasons and Considerations**

Having regard to the zoning objectives for the area in the Cork City Development Plan 2022-2028 and the established use on the site it is considered that, subject to compliance with conditions below, that the development would not seriously injure the amenity of adjoining property and is in accordance with the proper planning and sustainable development of the area.

10.2.2. **Conditions**

1.	The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions. Reason: To clarify the plans and particulars for which permission is granted.
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10.3. **Schedule 2**

10.3.1. **Reasons and Considerations**

1. The development by reason of its scale, materials, bulk and design is visually obtrusive and inappropriate addition which has a negative impact on the character and setting of the Protected Structure (RPS Ref: PS1096 and 1097) and the character of the North Main Street Architectural Conservation Area and is contrary to Strategic Objective 7 Heritage, Arts and Culture and Objectives 8.17, 8.19, 8.23 and Section 11.199 of the Cork City Development Plan 2022-2028. The development would set an undesirable precedent for similar such developments and contrary to the proper planning and sustainable development of the area.
2. Having regard to the location, fixed nature, scale, bulk and design of the development positioned over the public footpath and extending out over the pedestrianised carriageway of Little Cross Street and to the objective of Section 11.199 – Street Furniture Cork City Development Plan 2022-2028 to prevent any obstruction or clutter of all footpaths, landings and paved areas. It is considered that the development causes an obstruction and clutter on the public street and is

contrary to Section 11.199 – Street Furniture Cork City Development Plan 2022-2028 and contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Carol Smyth

10th February 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Coimisiún Pleanála Case Reference	PL-500185-CC		
Proposed Development Summary	Permanent installation of the outdoor seating area. Extension of permitted hours		
Development Address	Dwyers of Cork , Nos. 27-29, Washington Street		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	<input checked="" type="checkbox"/>	Preliminary Examination required
Yes	<input type="checkbox"/>	Screening Determination required

Inspector: _____ **Date:** _____