



An
Bord
Pleanála

Board Direction
ABP-306780-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/08/2020.

Board Order as follows:-

WHEREAS a question has arisen as to the replacement external signage on the front elevation of No. 53 North Main Street is development or is not exempted development and whether a material change of use of the existing licensed café/restaurant has occurred at No. 53 North Main Street, Cork are or are not development and are or are not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Cork City Council. on the 2nd day of March, 2020:

AND WHEREAS AND WHEREAS An Bord Pleanála considered it appropriate that the wording of the question should be reworded as follows:

Whether the replacement external signage on the front elevation of No. 53 North Main Street, Cork, is or is not development and is or is not exempted development and whether a material change of use from licensed café/restaurant use to public house with ancillary café/restaurant use has occurred at No. 53 North Main Street, Cork.

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 5-11 of the Planning and Development Regulations 2001 (as amended),
- (c) Part 1 of Schedule 2 *Exempted Development – General* of the Regulations, with particular reference to Class 14,
- (d) the planning history of Nos. 52 and 53 North Main Street, with particular reference to Planning Permissions Ref. Nos. 12/35314 and 13/35544,
- (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 authorised use of the premises at No. 53 North Main Street and the authorised signage on the premises are as set out in planning register reference TP12/35314, as amended by planning register reference number TP13/35544,
- (b) that the nature of the existing use on site as a public house with ancillary café/restaurant use is materially different from a licenced café/restaurant use for which permission was granted and that this constitutes a material change of use as no planning permission exists for the public house use at No. 53 Main Street and would, therefore, constitute development,
- (c) the replacement signage on the premises which is materially different in design and scale from that for which permission was granted and would, therefore, constitute development,

(d) the fact that there are no exemptions in the Planning and Development Act, 2000, as amended, or in the Planning and Development Regulations, 2001, as amended, whereby such development would be exempted development:

NOW THEREFORE the Board, in exercise of the powers conferred on it by section 5 of the 2000 Act, has decided that both

- the replacement signage on the front elevation of No 53 North Main Street and
 - the change of use from licensed café/restaurant to use as a public house with ancillary café/restaurant use at No 53 North Main Street
- is development and is not exempted development.

Board Member:

Date: 20/08/2020

Terry Prendergast