



Board Direction

Ref: 28.RL.3424

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24th, February 2016.

The Board generally approved of the terms of the draft order as set out below.

The Board decided that the use of a premises as a coffee shop at 11 Emmett Place, Cork, and the erection of associated signage, is development which is not exempted development.

WHEREAS a question has arisen as to whether the use of a premises as a coffee shop at 11 Emmett Place, Cork, and the erection of associated signage, is or is not development and is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Cork City Council on the 22nd day of October, 2015:

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

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- b) Articles 5(1), 6(1), 6(2), 9(1)(a)(i), and 10(1) of the Planning and Development Regulations 2001, as amended,
- c) Class 14 of Part 1, Classes 5, 9 and 15 of Part 2, and Class 1 of Part 4 of Schedule 2 to the said Regulations,
- d) the previous use of the premises as a clothing shop
- e) The planning history of the site, in particular, planning register reference number 06/30595 and condition numbers 4(a) and 8(a) of that permission, and planning register reference number 10/34669 and condition number 1(b) of that permission,
- f) the information submitted on behalf of the site occupier / operator regarding the scale, nature and layout of the coffee shop, and
- g) the nature and range of goods sold on the premises and the layout and services provided to visiting members of the public, in particular, the extent of seating provided:

AND WHEREAS An Bord Pleanála has concluded that –

- a) the use of the subject premises as a coffee shop does not constitute use as a “shop” as defined in Article 5 (1), as amended, because the scale, nature and layout of the coffee shop is more akin to a restaurant use which is expressly excluded from the definition of ‘shop’ under Article 5 (1) of the said Regulations, as amended,
- b) the change of use of the subject premises, from use as a shop to use as a coffee shop raises issues that are material in relation to the proper planning and sustainable development of the area and is, therefore, material and is, therefore, “development” within the meaning of Section 3 of the Planning and Development Act, 2000,
- c) the erection of external signage on the exterior of these premises, relating to the use as a coffee shop, involves “works” and is therefore “development” within the meaning of Section 3 of the said Act, and
- d) the erection of such signage would contravene condition numbers 4(a) and 8(a) of planning register reference number 06/30595 condition number 1(b) of planning register reference number 10/34669 in that it would constitute signage, other than the signage authorised by that permission, and would therefore come within the restrictions on exemption set out in Article 9 (1)(a)(i) of the said Regulations, and
- e) the erection of such signage does not come within the meaning of Section 4(1)(h) of the said Act, not being ‘development consisting of the carrying out of works for the maintenance, improvement or other alteration of the structure:

NOW THEREFORE An Bord Pleanála in exercise of the powers conferred on it by Section 5 of the 2000 Act, hereby decides that the use of a premises as a coffee shop at 11 Emmett Place, Cork, and the erection of associated signage, is development which is not exempted development.

Board Member: _____
Paddy Keogh

Date: 1st, March 2016