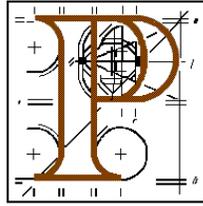


An Bord Pleanála



Inspector's Report

Development: Retention of Tri-vision rotating advertising sign at The Southern Star public house, 9 Southern Road, Cork.

Planning Application

Planning Authority : Cork City Council
Planning Authority Register Ref. : 06/31240
Applicant : Niall Murphy
Type of Application : Permission
Planning Authority Decision : Refuse Permission

Planning Appeal

Appellant(s) : Niall Murphy
Type of Appeal : 1st Party v Refusal
Observer(s) : None

Date of site inspection : 17th February 2007

Inspector: **Michael Dillon**

1.0 SITE LOCATION AND DESCRIPTION

The site is the gable elevation of the Southern Star public house at the junction of Southern Road, High Street and Capwell Road, within Cork City centre. High Street traverses the South City Link Road by an overbridge, immediately to the east of the site. The public house is a two-storey structure with a single-storey lean-to extension to the side. There is an advertising hoarding at first floor level on the gable elevation. The sign has vertical rotating panels (enabling the display of three separate advertisements). This rotating function was not in operation on the date of site inspection. The sign is top lit by strip lighting. The sign is only visible from High Street when approaching the city centre. It is not visible from the lower level South City Link Road. There are mobile phone cells located on the gable wall above the sign. There is a public house on the opposite side of the road with its own signage. There are a considerable number of advertising hoardings on a stone-faced embankment on the southwestern side of Southern Road.

2.0 THE PROPOSED DEVELOPMENT

Permission sought on 12th September 2006, for retention of a Tri-vision, rotating advertising sign, measuring 6.5m x 3.3m, on the gable elevation of a public house. Drawings submitted state that the sign is an illuminated scrolling 48 sheet advertising sign. Permission for retention is sought as the rotating sign replaced an original static advertising sign of the same dimensions. Permission was sought following impending enforcement proceedings from the City Council.

3.0 DEVELOPMENT PLAN

The relevant document is the Cork City Development Plan 2004. The site is located within the 'South Centre Sector' and is zoned for 'Residential, community and local services', where it an objective of the Council-

To protect and provide for residential uses with other uses open for consideration, including community and local services, having regard to employment policies outlined in Chapter 3.

Section 11.67 of the Plan sets out policy in relation to advertising hoardings/billboards. Section 11.68 specifically states that 'Tri-vision signage will not be permitted, particularly within the City Centre'. [Copy of this section of the Plan included in the photograph pouch attached to this report].

4.0 PLANNING HISTORY

Ref. TP 01/25304: Permission granted for retention of telecommunications antennae on the gable elevation of this public house.

5.0 THE PLANNING AUTHORITY'S DECISION

By Order dated 3rd November 2006, Cork City Council issued a Notification of decision of refusal of permission for one reason as follows-

Having regard to the nature of the signage, its prominent location on an exposed gable wall and the presence of other signage in the vicinity, it is considered that the retention of the sign would contravene planning policy as outlined in Section Paragraph 11.67 of the Cork City Development Plan 2003, would detract from the visual amenity of the area, would seriously injure the amenities and depreciate the value of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

6.0 GROUNDS OF APPEAL

The appeal from Sheehan Architects, agent on behalf of the applicant, Niall Murphy, received by the Board on 29th November 2006, can be summarised in bullet point format as follows-

- A sign has existed on this gable wall for over 25 years. The only difference is that the present sign rotates.
- The reason for refusal does not refer to the rotation of the sign. The Council had no objection on traffic grounds.
- No proof has been submitted in relation to the claim that property will be devalued. The Council appears to be just against advertising signage in general.
- The rotating sign provides a small-scale boost in income to the publican, at a time when small pubs are suffering pressure on income from the introduction of the smoking ban.
- The applicant would give serious consideration to a time-limited permission of 10 years, after which time the advertising sign would be removed from the premises.
- The amount of advertising displayed at any one time is still the same. The only difference is the rotating aspect of this type of sign.

7.0 RESPONSE SUBMISSIONS

There is no response from Cork City Council to the grounds of appeal submitted.

8.0 ASSESSMENT

The single issue of this appeal relates to the impact of this sign on its surroundings. I cannot comment on the applicant's claim that there has been an advertising hoarding at this location for the past 25 years. This is a matter for Cork City Council. The nature of the advertising sign has, however, changed. It now presents three different signs on a rotating basis (although on the date of site

inspection the rotation function was not operating, and one sign was continuously displayed). The advertising structure was lit at night. The sign is prominently visible on the gable wall, when approaching the city centre along High Street – from the direction of Douglas. It is not visible from the South City Link Road, Southern Road or Capwell Road. The Roads Department of the Council had no objection to the development on traffic safety grounds. The Southern Star is located at a signal-controlled junction. The rotating sign, by the very nature of the rotation, will attract the eye of the passing pedestrian, cyclist or motorist, more readily. For this reason, the rotating aspect renders the sign more visible. Section 11.67 of the Development Plan clearly states that Tri-vision signage will not be permitted – particularly within the City Centre. Whilst the site is not located within the City Centre, it is located close to it. The proposed development would, therefore, materially contravene a stated objective of the Development Plan, and permission should be refused for this reason. It is also stated in the Plan that signage fronting onto the South City Link Road will not be permitted. However, whilst this sign is oriented in the direction of the South City Link Road, it is not visible from this road due to changes in levels.

The appellant claims that the Council has submitted no substantiating evidence to back up its reason for refusal, on grounds of property devaluation. It would not be usual to submit such evidence where this reason for refusal is quoted. The sign, by reason of its size, location, orientation, rotating mechanism, and illumination, would tend towards the creation of clutter on a building which already exhibits a number of advertising signs on its roadside façade (not to mention communications antennae on the gable wall also). There are already a considerable number of advertising hoardings in the vicinity of the site on the southwestern side of Southern Road. The proposed development would be seriously detrimental to the visual amenities, and would set an undesirable precedent for other similar developments in the area.

I do not propose to comment on the offer by the agent for the applicant to ‘give serious consideration’ to a 10-year limited permission – after which time the advertising sign would be removed. This is not the same as a categorical offer to remove the sign. There is no indication given of what is meant by ‘removal of the sign’. Could this refer to removal of the ‘Tri-vision’ sign and reversion to the original advertising hoarding after the 10-year period. The issue of additional income support for the publican from rental of the gable wall advertising space is not a relevant planning consideration.

9.0 RECOMMENDATION

I recommend that permission be refused for the Reasons and Considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the objectives in relation to advertising set out in the Development Plan, the nature, size, location, orientation and illumination of this advertising hoarding (and taking into consideration the existing signage and telecommunications antennae on the building already, and also in the immediate vicinity), it is considered that the 'Tri-vision' signage would be unduly prominent in this location, would tend to the creation of visual clutter on the building/street and would attract undue attention from passing motorists, pedestrians and cyclists. The proposed development would, therefore, be seriously detrimental to the visual amenities of the area, would set an undesirable precedent for other similar developments in the area and would be contrary to the proper planning and sustainable development of the area.

**Michael Dillon,
Inspectorate.**

20th February 2007.