



An  
Bord  
Pleanála

## Inspector's Report ABP-300109-17

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<b>Development</b>	Replacement of 1 no. 48 sheet illuminated static advertising display with 1 no. 48 sheet Premiere internally illuminated advertising display.
<b>Location</b>	Adjacent to Victoria Station Student Accommodation, Victoria Cross, Wilton Road, Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	17/37533
<b>Applicant(s)</b>	J C Decaux Ireland Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First party -v- Decision
<b>Appellant(s)</b>	J C Decaux Ireland Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	24 <sup>th</sup> January 2018
<b>Inspector</b>	Hugh D. Morrison

## 1.0 Site Location and Description

- 1.1. The site is located c. 2.4 km west of the city centre and 1.6 km north of Junction 4 of the South Ring Road (N40). This site lies on the western side of the Wilton Road (R641), which forms part of a major radial/arterial route into Cork city centre from the west/south west. It is immediately adjacent to a five storey block, which forms part of the recently developed Victoria Station Student Accommodation Complex.
- 1.2. The site itself is 38 sqm in area and it accommodates an existing timber advertisement structure, which is sited on a diagonal alignment across the site and is thus offset in relation to the adjoining road. This structure supports a single 48 sheet static advertising display, which is externally illuminated from above. Similar structures and displays are sited at a short remove to the south, against the backdrop of the Farranlea Hall Student Accommodation Complex on the western side of Wilton Road.
- 1.3. The site is situated in a mixed use area of predominantly modern buildings. Thus, opposite the site on the eastern side of Wilton Road there are retail/commercial uses in the form of a car sales showroom and a car service centre and, to the north of the site, offices and therapy rooms.

## 2.0 Proposed Development

- 2.1. The proposal would entail the replacement of 1 no. 48 sheet illuminated static advertising display with 1 no. 48 sheet (6.4m wide x 3.35m high) "Premiere" internally illuminated advertising display.

## 3.0 Planning Authority Decision

### 3.1. Decision

Refused for the following reason:

*Having regard to the stated policy of the City Council in relation to advertising hoardings and illuminative signs as outlined in Part H (Paragraphs 16.119 and 16.121) of the Cork City Development Plan 2015 – 2021, the proposed development would materially contravene such policy, resulting in a visually obtrusive feature in a highly*

*prominent location, which would seriously injure the visual amenities of the area. It would also set an undesirable precedent for the alteration of further signage in the vicinity, contrary to the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

See reason for refusal.

#### **3.2.2. Other Technical Reports:**

- Parks: Condition requested concerning the treatment of Japanese knotweed on the site.
- Roads Design: No objection.

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

One concerning the presence of Virginia knotweed on the site.

## **4.0 Planning History**

Site:

- 97/21723: Alteration of existing 6m x 3m static advertising billboard to a prismatic advertising panel: Refused at appeal (PL28.105247) on the grounds of increased obtrusiveness that would seriously injure the character of the area and be contrary to the CDP's policy of normally restricting outdoor advertising to the main retailing area of the city.

Adjoining site to the south at Farranlea Hall:

- 02/26110: Farranlea Hall 72 student apartments: Permitted: Site excluded the existing advertising hoardings along its frontage with Wilton Road.

Site to the north east at the junction between Western Road and Mardyke:

- E7724 & 25: Enforcement notices served as long established top lit billboards replaced with internally illuminated signs.

## 5.0 Policy Context

### 5.1. Development Plan

Under the Cork City Development Plan 2015 – 2021 (CDP), the site is shown as lying within an area that is zoned Z04, wherein the objective is “To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3.”

Under Section 16.121 of the Development Management Chapter of the CDP, advertising hoardings: billboard location is addressed as follows:

*Excessive outdoor advertising will be strictly controlled. Such advertising will not be permitted in the following locations:*

- *Fronting onto the new Mallow Road and Blackpool By-pass, South City Link Road;*
- *Along the frontages of the River Lee, especially along the Lower Glanmire and Carrigrohane Roads, in order to preserve the river’s amenity;*
- *In the Blackpool area, in view of the importance of improving its physical appearance;*
- *On or close to a protected structure, a public open space or an important view;*
- *In predominantly residential areas, especially on prominent gable walls;*
- *Where a proliferation of billboards exists;*
- *On street elevations;*
- *On buildings in the central commercial core;*
- *On stone walls in suburban areas;*
- *Where they may cause a road hazard;*
- *Where there may be a visual implication.*

### 5.2. Natural Heritage Designations

Cork Harbour SPA (site code 004030) and Great Island Channel cSAC (site code 001058).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The applicant begins by describing the site within its context and the proposal. Attention is drawn to other prominent and sizeable advertising within the vicinity of the site and to the fact that the proposal would be internally illuminated by LED light bulbs with resulting visual benefits and energy savings.

The applicant proceeds to cite the following grounds of appeal:

- A photograph of the site from 1956 shows advertising hoardings in the location of the site. Hoardings have thus been insitu from either before 1963 or for greater than a 7-year period. Their presence provides a *de facto* precedent for the current proposal.

Given the established use of the site for advertising within Z04, the current proposal should be assessed as a non-conforming use, under Section 15.3 of the CDP. This Section states that such uses shall be facilitated to continue to operate “provided that they do not seriously detract from the zoning objectives for the area or from other amenities.” While the case planner expresses concern over the proximity of the existing/proposed advertisement hoardings to windows that serve student accommodation, it should be noted that this accommodation was built with the existing hoarding insitu.

- The proposal is reviewed under Section 16.121 of the CDP. While the case planner states that this proposal would contravene this Section, the applicant concludes that none of the relevant criteria would be thus affected.
- While the case planner cites Section 16.119, too. However, as this Section refers to fascia signage and illuminative and projecting signs, it is not relevant.
- The Planning Authority’s critique of the proposal on visual amenity grounds is challenged on the basis that it would replace an existing advertising hoarding with down lighters that result in light spillage with an advertising hoarding of superior design, including greatly improved illumination. If this proposal is refused, then the existing inferior hoarding would simply remain insitu.

- Attention is drawn to Section 16.123 of the CDP, which addresses free standing advertising displays. This Section states that such displays of public information will be considered where they are of high quality design and materials and where they would not cause an obstruction. The proposal would accord with these requirements.
- Attention is drawn to the quality of the internal illumination that would be afforded by the use of LED bulbs. Reference is made to the UK document, published by the Institute of Lighting Professionals, entitled “Professional Lighting Guide 05: Brightness of Illuminated Advertisements.” This document states that the maximum recommended luminance for urban locations, such as the application site, is 300 candelas per sqm. The applicant invites a condition to this effect.

The applicant reviews the planning history of the site as follows:

- 21723/97 pertained to an advertising hoarding, which following PL28.105247, was removed.
- 03/27670 pertained to, amongst other things, the removal of “one billboard sign”. While other signs were removed, the one which would be replaced under the current application was not under the applicant’s control and so it was not affected.

The applicant cites examples of comparable proposals that have been permitted. Thus, one at Hogan’s Quay, Cork for an advertising sign of similar dimensions and tri-vision rotating type was permitted (08/33622). Three examples from Dublin City are cited (3310/17, 3734/15, and 3428/15) and two factors are noted from the ensuing permissions, i.e. the preferred locations were distributor roads and radial routes and the removal of unsightly and outdated advertising structures was considered to be a planning gain in terms of amenity and modernity.

The applicant acknowledges the single objector’s concern and the advice of Parks in this respect.

## 6.2. Applicant Response

Not applicable.

### 6.3. **Planning Authority Response**

The Planning Authority disagrees with the applicant's contention that the proposal would significantly improve the visual appearance of the site. The following points are made:

- In relation to Paragraph 4.1 of the grounds of appeal:

Section 15.3 of the CDP was not referred to as it relates to usage rather than signage.

The established nature of the existing sign is not at issue.

Under Section 16.121, the proposal would contravene the same as it would have clear visual implications.

- In relation to Paragraph 4.3:

Section 16.119 is of relevance as it refers to illuminative signs and this Section is set out under the heading of Part H, "Advertising and Security Screens".

- In relation to Paragraph 4.5:

Section 16.123 was not referred to as it relates to tourist display panels.

If the Board is minded to grant, then the advice of the Parks is referred to.

### 6.4. **Observations**

None.

### 6.5. **Further Responses**

None.

## 7.0 **Assessment**

- 7.1. I have reviewed the proposal in the light of the CDP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use,
- (ii) Amenity,
- (iii) Road safety, and
- (iv) AA.

**(i) Land use**

- 7.2. The site lies within an area that, under the CDP, is subject to the Z04 Zoning Objective, “To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3.”
- 7.3. The applicant has submitted a photograph of the site and its vicinity from c. 1956. This photograph shows several advertisement structures, two of which are sited diagonally on either side of a commercial forecourt. The one of these two in the centre of the photograph may be on the current site: certainty in this respect is precluded by the extent of redevelopment in the immediate vicinity that has occurred in the intervening years. Based on this photograph, the applicant contends that the existing advertisement structure is either pre-1963 development or it has been insitu for more than 7 years. Either way this structure represents established development. The Planning Authority accepts that this is so and it does not argued that the advertisement structure is unauthorised development.
- 7.4. The applicant considers that the use of the site to accommodate an advertisement structure represents a non-conforming use under Z04 and so Section 15.3 of the CDP is of relevance. The Planning Authority responds that advertisement structures do not constitute a use of land and so this Section is irrelevant.
- 7.5. I note that the CDP does not have a customary land use matrix and so, in the absence of the same, I am uncertain as to how the applicant came to the view that an advertisement structure on the site represents a non-conforming use. I disagree with the Planning Authority’s view that such structures do not constitute a use of land. In this respect, the definition of “development” under Section 3(1) of the Planning and Development Act, 2000 – 2017, is instructive as it does not confine the making of any material change of use to structures, e.g. buildings, only but to “other land”, too. I, therefore, consider that the site as “land” is in use and is proposed to be in use for the purpose of accommodating an advertisement structure.



7.6. In the light of the foregoing discussion, I consider that the question as to the appropriateness of the proposal can be answered by reference to Section 16.121 of the CDP, which addresses advertising hoardings: billboard locations. In this respect I concur with the applicant's view that Section 16.191, which addresses fascia signage and illuminative and projecting signs is not relevant to the current proposal. Section 16.121 lists locations wherein advertising hoardings are not permitted. None of the site specific entries in this list apply to the location of the subject site. Three non-site specific entries invite consideration. These are as follows:

- Where a proliferation of billboards exists,
- Where they may cause a road hazard, and
- Where there may be a visual implication.

I will consider these factors under the following headings of my assessment.

7.7. The planning history of the site indicates that a previous proposal to replace the existing advertisement structure with a prismatic one was refused at appeal (PL28.105247) on the grounds of increased obtrusiveness that would seriously injure the character of the area and be contrary to the CDP's policy of normally restricting outdoor advertising to the main retailing area of the city. The current proposal differs from this one insofar as it is for an internally illuminated static advertisement display panel. Furthermore, the applicant emphasises that this proposal would be of attractive modern design and so it would compare favourably with the existing "tired" externally illuminated static advertisement display panel. In these circumstances, I consider that "increased obtrusiveness" would not arise. I consider, too, that in the light of Section 16.121, CDP policy appears to be more nuanced than when the last appeal on the site was determined.

7.8. I conclude that there is no in principle objection to the proposal on land use grounds and that the planning history of the site does not establish a binding precedent for the refusal of the current proposal.

#### **(ii) Amenity**

7.9. During my site visit, I observed that the site lies along a stretch of Wilton Road that is composed of a mix of commercial and residential uses. The former uses include a car sales showroom and a car service centre on the opposite side of this Road from

the site. These uses are accompanied by a considerable array of signs. The latter uses include complexes of multi-storey student accommodation blocks, which have been constructed in recent years on sites that have excluded not only the current site but that of a line of advertisement structures on the same side of Wilton Road to the south of this site. In the light of the photograph referred to under the first heading of my assessment, all of these advertisement structures may have pre-1963 status. In any event the Planning Authority has not reported that they are the subject of any enforcement action, which it has taken in the wider locality, e.g. at the junction between Western Road and Mardyke. Thus, from the evidence that is before me, the present array of advertisement structures in positions adjacent to the student accommodation blocks is likely to be an enduring one.

7.10. The site thus lies within an area that has a commercial feel to it, as a result of the said commercial uses and existing advertisement structures. Within this context, the current *replacement* proposal would not lead to any greater proliferation of billboards. While objection to this proposal could be construed as an attempt to turn back the existing proliferation, the applicant advises that such objection would simply lead to the status quo of the existing advertisement structure. Importantly, the Planning Authority has not gainsaid this contention. Its reason for refusal does not appear to take cognisance of this situation.

7.11. Given that the replacement advertisement structure would be visually more attractive than the existing one, I consider that it would, in the circumstances thus outlined, represent a slight uplift in the visual amenities of the area. Any dis-amenity to the adjacent student accommodation block would be comparable to that which exists at present from the advertisement structure that predates the construction of this block. Accordingly, I conclude that the proposal would be compatible with the amenities of the area.

### **(iii) Road safety**

7.12. The site lies on the western side of the Wilton Road (R641), which forms part of a major radial/arterial route into Cork city centre from the west/south west. This Road is heavily trafficked. It is of straight alignment as it passes the site and minor junctions lie on it to the north of this site. The orientation of the existing advertisement structure and that of its proposed replacement one is/would be such

as to attract the attention of road users travelling in a southerly direction and thus away from the aforementioned minor junctions. Accordingly, I do not consider that the resulting distraction factor would pose any increased risk to road safety.

- 7.13. The case planner expresses concern that under the proposal the existing external illumination would be replaced by internal illumination. Although the nature of this concern is not made explicit, the applicant has assumed that it relates to the brightness of the proposed advertisement display compared to the existing one. In this respect, a condition is invited to ensure that the resulting brightness does not exceed the limit of 300 candelas per sqm set out in good practice advice issued by the lighting profession.
- 7.14. I anticipate that under the proposal the illumination that would result would be of a more consistent quality than exists at present and so the legibility of any advertisement would be enhanced. This in itself would make the reading of advertisements easier. Something of a zero sum game may arise insofar as the existing duller advertisement display may be more easily ignored but, where engaged with, may take longer to “read” compared to the proposed brighter one that would be less easily ignored but, where engaged with, may take a shorter time to “read”.
- 7.15. I conclude that the proposal would be compatible with existing levels of road safety on Wilton Road.

**(iv) AA**

- 7.16. The site is located within inner suburbia and it does not lie in or near to any Natura 2000 site. The nearest such site is the Cork Harbour SPA. The proposal is for a replacement advertisement structure on the site only and so no ecological impacts would arise.
- 7.17. Having regard to the nature and scale of the proposal, the nature of the receiving environment, and proximity of the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. That this proposal be permitted.

## 9.0 Reasons and Considerations

Having regard to the Cork City Development Plan 2015 – 2021 and the planning history of the site, it is considered that, subject to conditions, the proposal would comply with the Z04 Zoning Objective for the site and it would be compatible with the visual amenities of the area and road safety on the adjoining Wilton Road. This proposal would thus accord with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 2<sup>nd</sup> day of November, 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to the installation of the replacement advertising display, a scheme for the eradication of knotweed from the site shall be submitted to and agreed in writing with the Planning Authority.

**Reason:** In the interest of ecology.

3. The maximum illumination of the advertising display between dusk and dawn shall not exceed 300 candelas per square metre.

**Reason:** In the interest of visual amenity and road safety.

4. The advertising display shall be lit by static illumination only and no

moving or apparently moving images shall be displayed.

**Reason:** In the interest of visual amenity and road safety.

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Hugh D. Morrison  
Planning Inspector

31<sup>st</sup> January 2018