



An
Bord
Pleanála

Inspector's Report ABP315845-23

Development	Structural changes to existing restaurant building, erection of 3 flag poles on the front boundary and associated site works.
Location	Chetwynd, Bandon Road, Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	22/06628.
Applicant(s)	Viaduct Inns Trading Limited.
Type of Application	Permission for retention
Planning Authority Decision	Grant of retention permission
Type of Appeal	Third Party
Appellant(s)	Transport Infrastructure Ireland (TII)
Observer(s)	None
Date of Site Inspection	27 th April 2023.
Inspector	Ann Bogan

1.0 Site Location and Description

1.1. The site is located at Chetwynd close to the boundary of Cork City, on the east side of the heavily trafficked N71 Bandon Road. It is just south of the former West Cork Railway viaduct structure and approximately 200m from the end of the N71 dual carriageway, in a 100kph speed limit area. The 1.15ha site is relatively flat, with a backdrop of trees and other vegetation on higher ground behind it. The existing development comprises a longstanding restaurant building, part two-storey, part single-storey, facing onto the Bandon Road, with carparking to the front, side and rear. The site is served by an existing access from the N71 at the south-west corner of the site. A minor road joins the N71 opposite the subject site.

2.0 Proposed Development

2.1. Proposed retention of a number of extensions and alterations to the existing restaurant building:

- Larger lobby to the front (west) elevation replacing original lobby;
- Glass doors replacing single and double doors on north elevation;
- Patio area to the north and demolition of previous roofed smoking area;
- Flat roof and double doors to north elevation replacing;
- Larger window to the south elevation replacing smaller window double glass doors replacing timber doors and the inclusion of 4 No rooflights and
- Three 8 meter high flagpoles with cloth fabric advertising banners on the front (west) boundary and associated site works. During the site inspection it was noted that the flagpoles had been removed and were stored to the rear of the building, although the bases remain in place.

3.0 Planning Authority Decision

3.1. Decision

Decision to Grant Permission for retention of the development on 30th of January 2023, subject to 1 standard condition.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer stated that the principle of the proposed development, which consists of alterations and extensions to an existing restaurant premises was acceptable. It was concluded that the amendments do not detract from the character of the buildings or its setting.

3.2.2. The Planning Officer noted that the development is served by an existing access and no changes were proposed to same. Having considered the surrounding context, (existing vegetation and the viaduct structure closer to the N71) and the positioning of the flagpoles, the Planning Officer concluded that the retention of the flagpoles would not set an undesirable precedent. They also referenced development that can be carried out under Part 2 of the Planning and Development Regulations 2001 (as amended) i.e. exempted development, in coming to this conclusion.

3.2.3. The Planning Officer concluded: *'Having regard to the above assessment, it is recommended that retention permission is granted for the development'*. The Planning Officer's report formed the basis for the decision of the Planning Authority.

3.2.4. Other Technical Reports

No comments from internal consultees

3.2.5. Prescribed bodies

Observation received from Transport Infrastructure Ireland (TII), in summary:

- The proposal would create an adverse impact on the national road where the maximum speed limit applies and would be at variance with national policy on control of frontage development on national roads, as set out in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012);
- The flagpoles would endanger public safety by reason of traffic hazard due to distraction of drivers;
- Grant of planning permission for the flagpoles could create a precedent which could lead to a proliferation of such developments, adversely affecting operational efficiency and safety of the national road network.

4.0 Planning History

14/6658: Permission granted for retention of extension and alterations to the existing bar/restaurant.

5.0 Policy and Context

5.1. Development Plan

The site is located within the Cork Metropolitan Green Belt. Relevant policies include:

County Development Plan Objective RP 5-11: County Metropolitan Cork Greenbelt: Maintain the County Metropolitan Cork Greenbelt (as shown on Figure 5.1) which encompasses Metropolitan Towns, Strategic Employment Locations, Villages and Countryside of Metropolitan Cork.

County Development Plan Objective RP 5-16: Long Established Uses:

Recognise the requirements of long established commercial or institutional uses located entirely within the Greenbelt which may make proposals for expansion / intensification of existing uses. Such expansion proposals of an appropriate scale will be considered on their merits having regard to the overall function and open character of the Greenbelt and where development would be in accordance with normal proper planning and sustainable development considerations.

County Development Plan Objective TM 12-13: National, Regional and Local Road Network, part p): Control the proliferation of non-road traffic signage on and adjacent to national roads having regard to TII's 'Spatial Planning and National Roads Guidelines'.

5.2. National Policy

National Planning Framework National Strategic Outcome 2 'Maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements'

Section 28 Guidelines: DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). In particular Section 3.8:

'On national roads, the erection of signage needs to be tightly regulated for road safety and environmental reasons. Planning authorities must avoid proliferation of

roadside signage, especially outside the 50-60 kph speed limit areas in a manner that would reduce the effectiveness of essential signage such as directional and other authorised road traffic signs, create visual clutter and distractions for road users and/or reduce visibility at junctions, interchanges and bends’.

TII ‘Policy on The Provision of Tourist and Leisure Signage on National Roads’, 2011: Part 5 reiterates the main points set out in the S28 guidelines above (which were in draft form at the time).

5.3. **Natural Heritage Designations**

None

5.4. **EIA Screening**

Having regard to the nature of the development, comprising of a retention of modest extensions and alternations to an existing restaurant building, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded by way of preliminary examination.

6.0 **The Appeal**

An appeal was submitted by TII on 17th February 2023.

6.1. **Grounds of Appeal**

The appeal focuses solely on the decision to grant permission for retention of the 3 flagpoles with banners and the grounds of appeal can be summarised as follows:

- TII consider that the permission granted for the signage is at variance with policies in the DoECLG Spatial Planning and National Road Guidelines 2012 in particular Section 3.8 (as outlined above), and would endanger public safety by reason of traffic hazard and impede the safety and free flow of traffic on the national road by contributing to visual distraction of drivers having regard, in particular, to the location and design of the flagpoles, especially with respect to other advertising structures in the vicinity of the site.

- The grant of permission would set a precedent which could lead to a proliferation of such developments, which would adversely affect the safety of road users and reduce effectiveness of essential road traffic signage.
- The scale and siting of the proposed signage in conjunction with other signage creates visual clutter and represents a distraction to road users on a primary approach road to Cork City, the heavily trafficked N71, in proximity to the dual carriageway circa 200m to the south, and a local road junction.
- The proposed signage is inconsistent with the Cork County Development Plan Policy Objective TM12-13 (p) which seeks to control the proliferation of non-road traffic signage on and adjacent to National Roads, having regard to the S28 guidelines. TII contend that the Development Plan objectives and the S28 guidelines do not seem to have informed the decision of the Council.
- Although the application is not signage for a tourism destination, TII are of the view that the best practice guidelines included in Part 5 of the TII policy on Provision of Tourist and Leisure Signage on National Roads are equally applicable to this application, taking account of the over-riding objective to protect safety of road users by restricting unnecessary signage
- TII considers the permission conflicts with Government’s objective to safeguard the strategic function of the national road network and to safeguard the investment made in the transport network to ensure quality levels of road safety, service, accessibility and connectivity to transport users, citing the National Planning Framework NPO”, the National Development Plan 2021-30, the National Investment Framework for Transport in Ireland and the S28 Guidelines.

6.2. Applicant Response

- DOSA Consulting Engineers responded on behalf of the applicant (received 20th March 2023), stating that the applicant is willing to forgo the flagpoles and have them removed from the development to expedite the appeal and suggests their removal be conditioned on a grant of permission for the development.

6.3. **Planning Authority Response**

- None

6.4. **Observations**

- None

6.5. **Further Responses**

None

7.0 **Assessment**

- 7.1. Having examined the application details and all other documentation on the appeal file, including the appeal submission, and inspected the site, and having regard to relevant local policies and guidance, I consider the main issues in this appeal are those raised in the grounds of appeal.
- 7.2. The grounds of appeal centre on concerns that the proposed flagpoles and banners would endanger public safety by reason of traffic hazard by contributing to visual distraction of drivers and impede safety and free flow of traffic on the national road and that granting permission for them would be inconsistent with national and development plan policy and guidance.
- 7.3. As mentioned above, during the site inspection it was noted that the flagpoles have been removed and are stored to the rear of the building. The bases and bolts for the poles remain in place and the poles could be re-erected without difficulty.
- 7.4. The flagpoles are 8m in height and the drawings indicate that the banners would be 4m long by 600mm in width. The flagpole location is at the front boundary fence of the site and is approximately 25m from the nearest edge of the road carriageway. A small watercourse and a wide grass verge run between the pole location and the road edge.
- 7.5. As outlined above the main policy guidance on road signage on national roads is from the Section 3.8 of the DoECLG Spatial Planning and National Roads Guidelines

for Planning Authorities (2012) and this forms the basis of the policy in the County Development Plan and the TII tourism signage guidance.

7.6. In essence the guidance seeks to avoid proliferation of signage especially in areas outside 50-60kph speed limit areas in a manner that would:

- reduce effectiveness of traffic signage
- create visual clutter and distractions for road users
- reduce visibility at junctions, interchanges and bends

The development has been assessed in the context of these issues and wider local and national policies.

7.7. The flagpole location is set back some considerable distance from the road edge and it appears unlikely that the banners would be significantly in the line of vision of traffic approaching from the north, due to the curve of the road, followed by the bulk of the railway viaduct and the existing small trees and other vegetation along the roadside.

7.8. The poles/banners might be somewhat more visible to traffic travelling from the south, although the distance of the poles from the left-hand side of the road and their setting against the backdrop of the buildings and vegetation would lessen their visibility. It is noted that the existing large sign at the entrance to the premises is quite dominant and would partially obscure the flagpole banners from this direction.

7.9. A national road directional sign is located on the grass verge adjoining the site, facing the local road opposite the site. Traffic emerging from the local road would have full view of this signage, unimpeded by the banners, which would be some distance away and partially concealed behind the road sign. Similarly, the poles/banners would not impede sightlines for traffic emerging from the site onto the national road.

7.10. Having considered the proposals, examined the site and taken account of the S 28 guidelines and Development Plan Policies, and the issues raised by the appellant, I consider the flagpoles and banners in the location proposed, set back some distance from the road carriageway and set against the backdrop of the existing structures and vegetation, are unlikely to cause clutter or visual distraction to road users or reduce effectiveness of road signs or reduce visibility at junctions, in a way that

would endanger public safety or create traffic hazard or impede the free flow and safety of traffic on the N71 or the side road.

7.11. While the importance of avoiding excessive signage on national roads that might endanger public safety and have implications for capacity and investment in the national road system is recognised, I do not believe the proposed development would create a precedence for proliferation of such proposals which would adversely affect the safety of road users. Inclusion of a condition on the maintenance of banners is recommended to reduce risk of unsightliness or risk of a banner breaking away and blowing onto the public road.

7.12. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

8.1. I recommend grant of permission for retention of the development subject to 2 conditions.

9.0 **Reasons and Considerations**

Having considered the nature of the extensions and alterations to be retained, the existing longstanding restaurant business on the site, the existing entrance to the site from the N71, the location of the flagpoles in relation to the national road carriageway, the existing signage and vegetation in the vicinity, the policies of the Development Plan and the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), and national policy on safeguarding the capacity and investment in national roads, it is considered that the development to be retained would not detract from the existing building, its setting or the surrounding area, or endanger public safety by reason of traffic hazard. The development would therefore be in accordance 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, except as may otherwise be required in order to comply with the following condition. Reason: In the interests of clarity
2.	The flagpoles and banners shall be subject to regular inspection and maintained in good condition. Reason: In the interests of visual amenity and to avoid fixtures coming loose and being blown onto the public road in the interests of public safety.

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.

Ann Bogan
Planning Inspector

10th May 2023