



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317836-23

<b>Development</b>	Alterations to existing signage and retention of doors.		
<b>Location</b>	Victoria Casino, 5 Saint Patricks Quay, Cork City		
<b>Planning Authority Ref.</b>	2341706		
<b>Applicant(s)</b>	V.S.C. Limited		
<b>Type of Application</b>	Retention / Permission	<b>PA Decision</b>	Grant w Conds
<b>Type of Appeal</b>	Third party	<b>Appellant</b>	Jim Reilly
<b>Observer(s)</b>	None		
<b>Date of Site Inspection</b>	19/12/2023	<b>Inspector</b>	D. Aspell

### Context

#### 1. Site Location/ and Description

The site is at No.5 Saint Patrick's Quay. The application red line area is restricted to the front building elevation. The building is currently in use as a casino and amusement arcade. The site is a Protected Structure and is in the MacCurtain Street Architectural Conservation Area.

The building forms part of a terrace and comprises a 3-storey pitch-roofed former warehouse. The front elevation is comprised mainly of brick and stone and includes distinctive arches and venetian style windows. Building access is via an obscure glazed sliding door in the central arch opening. A second door has been installed in the left front arch opening.

There are 2 no. large casino signs on the front elevation, both of which extend for the full width of the elevation. There are decals on most of the windows.

The site is located along Patrick's Quay and is in a prominent location overlooking the River Lee.

## **2. Description of development**

The proposal is for:

- Alterations to existing signage consisting of replacement of 2 no. illuminated signs, removal of strip lighting and two down lights from front elevation;
- Retention of works to front elevation comprising 2 no. pedestrian entrances at ground floor and removal of render panels above ground floor arches.

For clarity I note that in response to a request for further information from the planning authority the applicant revised their signage proposals in their further information response dated 29<sup>th</sup> June 2023. The revised proposal was to replace the existing plastic box signs with signage comprised of individual stainless steel back-lit lettering and symbols.

## **3. Planning History**

Subject site:

- Ref. 2240860 (ABP-313470-22): Planning permission refused by the Board in August 2022 at 5 St. Patricks Quay, Victorian Quarter Cork, & 28 MacCurtain Street, for:
  - Retention of new pedestrian entrance to an existing gaming arcade, elevational alterations and external signage at No.28 MacCurtain Street.
  - Retention of elevation alterations and new signage at 5 St. Patrick's Quay.

This application was refused for 1 no. reason. This was that the pedestrian entrance design at MacCurtain Street, and the nature and extent of signage to be retained at both MacCurtain Street and St. Patrick's Quay elevations would give rise to visual clutter; would be seriously injurious to the visual amenity and character of the streetscape; would detract materially from the ACA; and would not present as a positive enhancement of No. 5 St. Patrick's Quay which is a protected structure.

In relation to the works to No. 5 St. Patrick's Street specifically, the works proposed as part of the application were broadly as per the existing signage and access arrangements currently on the site.

The subject appeal is for retention of the works to the access and for permission to alter the existing signage.

#### **4. Planning Policy**

I note the following provisions of the Cork City Development Plan 2022-2028:

- The land use zoning for the area is 'ZO 5 City Centre'
- Strategic Objective 7 Heritage, Arts & culture
- Objectives 8.17 Conservation of the City's Built Heritage and 8.18 Reuse & Refurbishment of Historic Buildings
- Objective 8.19 Record of Protected Structures
- Objective 8.22 National Inventory of Architectural Heritage (NIAH)
- Objective 8.23 Development in Architectural Conservation Areas
- Paragraphs 11.191 Amusement Centres / Arcades and 11.192 Casinos / Private Member's Clubs
- Paragraph 11.193 Shop Fronts and Commercial Facades
- Paragraph 11.194 Advertising on Buildings
- Paragraph 11.195 Fascia Signage & Illuminative & Projecting Signs
- Paragraphs 11.201 Protected Structures & 11.202 Architectural Conservation Areas

#### **5. Natural Heritage designations**

None relevant.

### **Decision and Grounds of Appeal**

#### **6. Planning Authority decision**

The planning authority issued a notification of decision to grant permission on 14<sup>th</sup> March 2023 with 8 no. conditions. I note in particular the following:

- Condition 3 requires all existing decals/films to be removed from all glazing on the front façade and no further film/decals shall be erected on this façade.

- Condition requires that no additional signs, symbols, name plates or advertisements be erected on the premises.
- Condition 5 requires any signage to be removed upon cessation of the operation of the business.

Conservation Officer: The final report states no objection.

## **7. Appeal**

The submitted third party appeal is summarised as follows:

- Building is a protected structure, in an ACA, and on the NIAH;
- Building occupies a very prominent location being visible from Merchants Quay, Lavitts Quay and Anderson Quay on the south side of the river;
- The proposals will negatively contribute to signage clutter on Patricks Quay and are not in keeping with the quayside setting or character of the building;
- Proposal will not positively contribute to character and setting of the building;
- The revised signage and elevational changes do not constitute an improvement from that refused by the Council & Board under ABP-313470-22;
- There are substantial unauthorised works at the site and the Board have already refused permission for signage and elevation proposals at the site;
- Council refused permission for this development under Reg. Ref. 22/40860.
- Permission should be refused under Section 35 of Planning & Development Act 2000 (Refusal of permission for past failures to comply) due to substantial unauthorised works and Board already refused permission for alterations;
- Proprietors have continuously disregarded obligations demonstrated by multiple retention applications and enforcement cases (Refs. E8340 & E8133);
- The repeated unauthorised works to a protected structure in an ACA damages the architectural heritage of the building and city centre;
- Some unauthorised works are still in place including internally illuminated window signage / displays which do not form part of this retention application.

## **8. Planning authority response**

None received.

## **9. Applicant response**

Response to appeal dated 15<sup>th</sup> September 2023 is summarised as follows:

- Request Board dismiss appeal on grounds it is without substance / foundation;
- Main thrust of appeal is that planning authority and Board have previously refused permission for the same development, which is entirely incorrect;
- This proposal differs materially from previous application and deals solely with Patrick's Quay entrance due to differing issues at the MacCurtain Street;
- In relation to Section 35 of the Act, the applicant seeks to resolve previous enforcement by submitting the subject application;
- Previous enforcement actions will be addressed in the proposal;
- Proposal is considered appropriate by the City Council Conservation Officer;
- The proposals preserves and restores the front façade. The previously removed signage prior to 2019 was not original or of any heritage based value;
- Proposal will see removal of existing strip lighting and reduce visual clutter.
- The revised lettering proposed has been approved by City Council and is reflective of signage used on protected structures elsewhere in City;
- The City Council planner report states the proposal comprises a sensitive approach that respects the character of the protected structure;

The response to appeal includes the Architectural Heritage Impact Assessment submitted with the application.

## **Environmental screening**

### **10. Environmental Impact Assessment screening**

The proposed development is not within a class where EIA applies, and therefore is not subject to requirements for preliminary examination of EIA (Refer to pre-screening Form 1, Appendix 1 of this report).

### **11. Appropriate Assessment screening**

Having regard to the nature of the development proposed and to be retained, and the location in an urban area with connection to existing services, and absence of connectivity to European sites, I conclude that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European site.

## 2.0 Assessment

2.1. Having regard to the foregoing; having examined the appeal; having visited the site; and having regard to relevant policies and objectives, I consider the main issues in the appeal are:

- Architectural heritage, design and visual impact.
- Related matters raised in the appeal.

### Architectural heritage, design and visual impact

2.2. The site forms part of a protected structure, is within an ACA, and is on the NIAH. The applicant has submitted an Architectural Heritage Impact Assessment (AHIA, with related letter from John Cronin & Associates dated 28<sup>th</sup> June 2023) as part of the appeal response. The Conservation Officer report states no objection.

2.3. In relation to the proposed signage, the two existing signs affixed to the front elevation are generally as per that proposed as part of the previous application on the site which the Board refused. They comprise plastic back-lit box signs that run the full width of the elevation, with lettering and symbols affixed. I consider the existing sign design to be of a poor quality. I note a number of photographs set out in the AHIA and architectural drawings submitted as part of the response to appeal that show historical signage on the elevation. I also note the points made by the Conservation Officer in these regards.

2.4. The proposed replacement signage comprises individual lettering and symbols affixed to the front elevation. The lettering would be raised, stainless steel and back-lit. Fixings would be to the existing mortar. I consider the proposed design to be contemporary and high quality, and would allow for the majority of the elevational features and brick façade to be visible. I consider the proposed signage would have a lesser impact on the architectural heritage of the structure and wider area. I consider the proposed signage is reasonable and strikes a more appropriate balance regarding the building's heritage status, setting and character.

2.5. In relation to visual impact, the site is in a highly visible position overlooking the River Lee. I consider the existing sign design to be visually prominent and overly dominant. I note that signage on the adjoining buildings along the Quay is mixed in terms of quality and visual amenity. In relation to visual impact and signage clutter I consider

the proposed signage would not increase visual clutter and would be more appropriate for this location. Overall I am satisfied the proposed design brings an improvement to the visual amenities of the building.

- 2.6. I note the conditions attached by the planning authority which require that no further signage be erected on the elevation and that all signage be removed upon cessation of the existing operation. Considering the protected status of the structure, its location within an ACA, and its prominent location along the River Lee I consider that similar conditions should be attached to any grant of permission by the Board.
- 2.7. In relation to the elevational changes to be retained, the unauthorised works comprise a swing door in the left front window arch, a sliding door in the central window arch, and retention of removal of render panels above the ground floor arches. I note the stated fire-safety requirements relating to the doors. I also note the commentary by the Conservation Officer and the AHIA submitted with the response to appeal. Overall, I am satisfied retention of these works is acceptable having regard to the building design and pre-existing opening and fenestration pattern.

Related matters raised in the appeal

- 2.8. The appeal states that unauthorised works are in place including internally illuminated window signage / displays which do not form part of this retention application. The submitted drawings indicate existing strip lighting and two down lights are to be removed from the front elevation. The drawings also indicate existing window decals are to be removed. My site visit did not identify internally illuminated window signage displays, and such displays do not form part of the application. Condition 3 of the planning authority decision requires all decals / films to be removed from all glazing on the front façade and that glazing on the front façade shall be dark tinted obscure glazing. I am satisfied the application and conditions attached by the planning authority resolve all substantive matters in this regard.
- 2.9. In relation to the appellant points regarding the potential application of Section 35 of the Act, having regard to the applicant's proposals as set out above, and the scale and nature of the development in question, I consider that the proposed approach to resolving these matters under Section 34 of the Act is appropriate.

### 3.0 Recommendation

3.1. I recommend that permission be granted for the reasons and considerations below.

### 4.0 Reasons & Considerations

Having regard to the design of the proposed signage alterations, and the nature of the works to be retained, and to the location and heritage status of the site as a protected structure an Architectural Conservation Area, it is considered that, subject to conditions, the proposed development would not seriously injure the architectural heritage, character or visual amenities of No. 5 St. Patrick's Quay or the wider area, and would be consistent with the relevant provisions of the Cork City Development Plan 2022-2028, and would, therefore, be consistent with the proper planning and sustainable development of the area.

### 5.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and revised by submission of further information to the planning authority on 29 <sup>th</sup> June 2023, 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.	All decals and/or films shall be removed from all glazing on the front façade. No further film and/or decals shall be erected on the front façade. Glazing on the front façade shall be dark tinted obscure glazing and shall remain permanently as such for the duration as the premises operates as a casino. Reason: In the interests of visual amenity.
3.	No additional signs, symbols, name plates or other advertisements shall be erected on the premises without the prior grant of planning permission.



	Reason: In the interest of visual amenities.
4.	All signage shall be removed upon the cessation of operation of the casino.  Reason: In the interest of visual amenities and the proper planning and sustainable development of the area.
5.	The Developer shall comply with the following:  The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, access, construction parking, management of on-street parking, noise management measures and off-site disposal of construction/demolition waste.  Reason: In the interests of public safety and residential amenity.

*-I confirm 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.-*

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Dan Aspell

Inspector

23<sup>rd</sup> February 2024

## APPENDIX 1

### Form 1

#### EIA Pre-Screening [EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	317836-23		
<b>Proposed Development Summary</b>	Alterations to existing signage and retention of doors.		
<b>Development Address</b>	Victoria Casino, 5 St. Patrick's Quay, Cork City		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>Conclusion</b>			
<b>No</b>	X	N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4
<b>4. Has Schedule 7A information been submitted?</b>			
<b>No</b>	X	Preliminary Examination required	
<b>Yes</b>		Screening Determination required	

Inspector: \_\_\_\_\_

Date: \_\_16<sup>th</sup> February 2024\_\_