

An
Bord
Pleanála

Board Order ABP-315024-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 22/1021

Appeal by Eircom Limited care of Clear Channel Ireland Limited of Beech House, Beech Hill Road, Dublin against the decision made on the 12th day of October, 2022 by Kildare County Council to refuse permission.

Proposed Development: Development on the public footpath at Main Street, 9.2 metres southwest of existing telephone kiosk outside the car park and southwest of Newbridge Garda Station, Newbridge. The development will consist of the replacement of the existing telephone kiosks with a new telephone kiosk with integral communication unit and a 1.53 square metre digital advertising display. The proposed structure has an overall height of 2.43 metres, a depth of 0.762 metres and a width of 1.096 metres, all at Main Street, Newbridge, County Kildare.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature, scale and extent of the proposed development, the removal of the existing telephone kiosks, which forms part of the overall development proposal, the pattern of development in the area, and the context of the subject site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be readily subsumed into the overall urban context of the area, would not lead to visual clutter, would not adversely impact on the visual amenities of the area, and would constitute an acceptable form of development, including the provision of telephone services and digital screen advertising at this busy urban location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted and shared the opinion of the Inspector that the context of the subject site was robust and comprises a built environment which is potentially capable of accommodating a modern telephone kiosk structure without undermining the historical character and quality of the town centre. Having regard to the above, the Board then determined that neither the overall policy context, nor the fact that the proposed development included a digital advertising display, would undermine this substantive assessment that the site location is fully capable of subsuming the proposed development, nor would any serious injury or material adverse impact on the visual amenities of this town centre location arise. The Board, therefore, concluded that a grant of permission was warranted.

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Conditions

1. The proposed 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 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mechanism of changing the digital advertising display shall be by means of a fade transition of the display at intervals of 10 seconds or more. Any change to the nature of the advertising display, including a flick or scroll transition between advertisements, shall be subject to a prior grant of planning permission.

Reason: In the interest of the proper planning and sustainable development of the area.

3. The proposed development shall incorporate the following:
 - (a) The maximum luminance of the advertisement display between dusk and dawn shall not exceed 250 candelers per square metres (cd/m²). The luminance level of the display shall be subject to review by the planning authority and, following review, adjustments or amendments shall be carried out in accordance with the requirements of the planning authority.

- (b) Only static images without movement shall be permitted, that is, no animation, flashing, three dimensional effects, noise, smoke or full motion video shall be permitted without a prior grant of planning permission.

Reason: To ensure the signs do not have any adverse effect on the amenity of the area or road safety.

4. Prior to making available of the telephone kiosk, including use for advertising, the developer shall remove the existing telephone kiosks. A dated photographic record of their removal shall be submitted to the planning authority within one month of their removal.

Reason: In the interest of orderly development and visual amenity.

5. All public service cables for the proposed development, including electrical and telecommunications cables, together with support structures, shall be located discreetly within the structure. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.


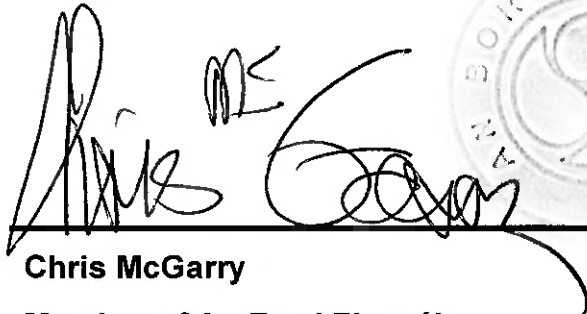
Reason: In the interest of visual amenity.

6. The construction of the proposed 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 proposed development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

7. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.



The image shows a handwritten signature in black ink over a horizontal line. To the right of the signature is a circular seal with the text 'AN BORD PLEANÁLA' around the perimeter and a stylized logo in the center.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this  day of  2023.