



An  
Bord  
Pleanála

## Inspector's Report PL09.248784

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<b>Development</b>	The erection of a five metre high double sided totem sign and the removal of 2 no. existing plinth signs.
<b>Location</b>	Maynooth Road, Celbridge.
<b>Planning Authority</b>	Kildare County Council.
<b>Planning Authority Reg. Ref.</b>	17/385.
<b>Applicant(s)</b>	Lidl Ireland.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refusal.
<b>Type of Appeal</b>	First Party v. Refusal.
<b>Appellant(s)</b>	Lidl Ireland.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	27 <sup>th</sup> September 2017.
<b>Inspector</b>	Susan McHugh.

## 1.0 Site Location and Description

- 1.1. The site is located at the entrance to Lidl and the Celbridge Primary Care Centre, which is approximately 700m north of Celbridge town centre. Celbridge Shopping Centre, the main feature of which is a large Tesco's store, is located approximately 200m to the south west.
- 1.2. The Lidl store and Primary Care Centre are setback a considerable distance from the Maynooth Road R405 to the east.
- 1.3. The site is bounded to the north by an existing single storey dwelling, to the east by the internal access road and roundabout serving Lidl and the Primary Care Centre and their associated car parks. The Primary Care Centre comprises accommodation for the HSE, Centric Health Care, pharmacy and Tusla. The site is bounded to the south by a burial ground and to the west by the Maynooth Road. The area to the west is characterised by low density residential development.
- 1.4. The site has a stated area of 0.79 ha and currently includes two plinth signs to the north and south of the vehicular access. There is public lighting, a footpath and a cycle way along the roadside boundary together with a low stone wall.

## 2.0 Proposed Development

- 2.1. Permission is sought for the erection of a 5 metre high double sided totem sign, and the removal of 2 no. existing plinth signs adjacent to the entrance junction to the Lidl and Celbridge Primary Care Centre.
- 2.2. The structure has a stone finish detail, is internally illuminated with the Lidl logo and includes 4 spaces for additional signage. The sign also includes the opening hours under the Lidl logo.
- 2.3. The sign is to be located on the northern side of the entrance with an alternative location indicated on the southern side of the entrance.
- 2.4. The application was accompanied by photomontages illustrating the visual impact of the proposed signage at both locations.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to refuse permission for 2 reasons, these include;

1. Policy BH1 of the Draft Celbridge Local Area Plan 2017-2023 requires Kildare County Council *'to safeguard the archaeological heritage of the LAP area and avoid negative impacts on sites, monuments features or objects of significant historical or archaeological interest'*. Furthermore, it is an objective of the Draft Plan under BH01.4 *'to provide for the protection of historic burial grounds within Celbridge in co-operation with agencies such as the Office of Public Works and the National Monuments Section of the Department of the Arts, Heritage, Regional, Rural and Gaeltacht Affairs'*. The Poor Law Union Famine Graveyard, which lies directly adjacent to the south of the proposed development site, is considered a significant heritage site within a sensitive setting along the Maynooth Rd.

In this regard the proposed totem advertising structure, which contains illuminated corporate logos, would diminish the integrity and setting of the Famine Graveyard that is highly visible and legible from the Maynooth Road. The proposed development would seriously injure the visual amenity of the area and interfere with the setting of, and in particular, views to and from the graveyard, and would therefore materially contravene policy and an objective of the Draft Celbridge Local Area Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

2. Section 17.14.5 (Other Signage/Advertising) of the Kildare County Development Plan 2017-2023 outlines the considerations against which advertising structures will be assessed including inter alia, their impact on the visual amenity, built heritage and streetscape. The totem structure, which is internally illuminated with corporate logos, would seriously injure the visual amenities of the area, would not accord with the general provisions of Section 17.14.5 of the Kildare County Development Plan 2017-2023 and would

therefore be contrary to the proper planning and sustainable development of the area.

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

#### 3.2.1. **Planning Report**

The Planner's Report is the basis for the planning authority decision. It includes:

- Notes concerns in relation to the visual impact of the proposed structure on the adjacent Poor Law Union Graveyard which is a sensitive site and setting.
- Notes the planning history and that the planning authority and An Bord Pleanála have established that a 'flagpole' sign constitutes inappropriate development at this location.
- The signage is not desirable in proximity to the graveyard which would interfere with the views to and from this sensitive site.

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

- **Water Services** – no objection.
- **Area Engineer** – no objection subject to standard conditions.
- **Transportation Department** – no objection.
- **Environment Section** – no objection subject to standard conditions.

### 3.3. **Prescribed Bodies**

None.

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

There was one submission received from Michael and Patricia O'Reilly the owners / occupiers of Blackrock, the residential property opposite the appeal site to the west of Maynooth Road. This submission was not available at the time of writing.

## 4.0 Planning History

**PA Reg. Ref. 11/760 ABP Ref. PL09.239690** Permission **granted** 26/06/2012 for amendments to discount foodstore previously permitted under PA Reg. Reg. 10/430 and ABP Ref. PL09.237924. The application included the erection of one seven metres high, double sided, backlit, illuminated flagpole sign (2.5 metres by 2.5 metres) at the site entrance junction with Maynooth Road. The proposed signage was omitted and alternative signage was conditioned. Of relevance are conditions no. 2, 3 and 4.

Condition no. 2. *'The development shall be amended as follows:*

- (a) The proposed flagpole sign and support pole at the site entrance shall not be erected.*
- (b) The alternative signage, as shown in the plans and particulars in Appendices C and D of the First Party Grounds of Appeal submitted on the 12<sup>th</sup> day of October, 2011, shall be provided in the location shown on the drawings submitted.*
- (c) The signage shall be externally illuminated as shown.*

*Reason: In the interest of visual amenity and to minimise the impact on the adjoining Famine Graveyard.'*

Condition no. 3 required that the proposed signage not be proximate to the public footpath at any point, in the interest of visual amenity and public safety.

Condition no. 4 apart from the signage authorised by the permission, no further advertisement or advertisement structure to be erected or displayed on the exterior of the building or on the site, unless authorised by a further grant of permission in the interest of visual amenity.

This permission has been implemented with the 2 no. plinth advertising structures in situ.

**PA Reg. Ref. 10/430 ABP Ref. PL09.237924** Parent permission **granted**

25/03/2011 for the licenced discount foodstore with sales area. The application included 2 no. building mounted back-lit signs (2.5m x 2.5m each), 2 no. building mounted billboard signs (3.5 x 1.75m each) and 1 no. 7m flagpole (2.5m x 2.5m) at the entrance junction with Maynooth Road. Of relevance are conditions 3 and 4.

Condition no. 3. required the applicant to submit revised signage proposals by way of compliance, with no internally illuminated or neon signage permitted, in order to comply with the requirements of the Kildare County Development Plan 2005-2011 and the Celbridge Local Area Plan 2010.

Condition no. 4. required the omission of the proposed flagpole sign and support pole at the site entrance, on the basis that they would be visually intrusive and injurious to the amenities of the adjoining Famine Graveyard. (File attached).

### **Primary Care Centre**

**PA Reg. Ref. 12/966 ABP Ref. PL 09.242489** Permission **granted** 30/01/2014 for the adjacent primary care centre. Condition no. 2 required the omission of two totem signage columns proposed at the entrance to the site. (File attached).

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. **Celbridge Local Area Plan 2017-2023.** This Local Area Plan was adopted by Kildare County Council 8<sup>th</sup> September 2017.

The appeal site is zoned 'N' Neighbourhood Centre '*To provide for new/existing neighbourhood centres and associated facilities*'.

The site to the south which includes the graveyard is zoned 'F' Open Space and Amenity '*To protect and provide for open space, amenity and recreation*'.

The site to the south east which includes the primary care centre is zoned 'E' Community and Educational '*To provide for education, recreation, community and health.*'

Chapter 10 refers to Built and Natural Heritage, Section 10.1 notes the location of the graveyard associated with the former Poor Law Union Workhouse during the famine.

Policy BH1 – Archaeological Heritage: *It is the policy of the Council to safeguard the archaeological heritage of the LAP area and avoid negative impacts on sites, monuments features or objects of significant historical or archaeological interest.*

*BH01.4: To provide for the protection of historic burial grounds within Celbridge in co-operation with agencies such as the Office of Public Works and the National Monument Section of the Department of the Arts, Heritage, Regional, Rural and Gaeltacht Affairs.*

On the 13<sup>th</sup> of September 2017, the Minister notified Kildare County Council of his intent to issue a Direction, pursuant to Section 31 of the Planning and Development Act 2000 (as amended), in relation to the Celbridge Local Area Plan (LAP) 2017-2023. In this regard there are a number of areas of the LAP, which are affected by this and it should be noted that there may also be consequential changes to the LAP as a result. It should also be noted that the subject site is unaffected.

#### **5.1.2. Kildare County Development Plan 2017-2023**

Chapter 17 of the plan refers to Development Management Standards. Section 17.14 refers to Shopfronts, Advertising and Signage.

Section 17.14.5 refers to other signage / advertising and the adopted Kildare County Council Signage policy. All applications for signage shall be considered having regard to this policy document and in terms of a list of criteria including scale of signage and impact on visual amenity, built heritage and streetscape and natural heritage, areas of high amenity and landscape sensitivity factors.

#### **5.2. Natural Heritage Designations**

The site is located approximately 3.5km from the Rye Water Valley /Carton SAC (Site Code 001398).

## 6.0 The Appeal

A First Party appeal against the planning authority's decision to refuse permission has been submitted.

### 6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows;

- While the proposal would be visible from various views, the impact would not be significant. Amenable to preparing a detailed Landscape and Visual Impact Assessment should the Board consider it warranted.
- The Visual Impact is considered to be 'slight', would not materially alter the view of or from the famine graveyard, as the views are already characterised by modern development, and would not materially alter the character of the area.
- The graveyard setting is located within a built up urban area surrounded by commercial and residential development, along with other significant 'visual' interventions in the immediate landscape, not least relating to e.g. wirescape and street furniture, etc.
- The development of the Lidl store and Primary Care Centre has introduced further alterations to the setting of the graveyard.
- The Board's determination on the Primary Care Centre acknowledged that it would have a degree of impact, within the 'viewshed' of the graveyard but such impact was within acceptable limits.
- The proposed bespoke design would not unduly or significantly impact on the visual or heritage amenities of the area or the setting of the graveyard.
- The design as proposed represents a significant compromise in terms of the previously rejected proposals and warrants fresh consideration. The planning authority appears to have been heavily informed by the planning history of the site. The sign should be assessed giving weight to its unique and sensitive design.



- The local 'landscape' has the capacity to accommodate/absorb the proposed sign, as designed, without materially altering the character or amenities of the area or the setting of the famine graveyard.
- There has been a disproportionate restriction on signage associated with the existing Lidl store and primary care centre.
- The proposed sign will provide a long term consolidated solution and provide a degree of finality / closure to the issue of signage at this location, which has arisen in a number of applications in recent years.
- In relation to the Kildare County Council policy and Draft Local Area Plan there is no quantitative / explicit breach of policy. Rather it is a matter of interpretation.

## 6.2. Planning Authority Response

The planning authority responded to the appeal as follows:

- The Board is referred to the planning history on the larger site area of the Primary Care Centre and Lidl development, in addition to the impact of the proposed development on the Famine Graveyard.
- Refer to all internal reports on file.

## 6.3. Observations

None.

## 7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Visual Impact
- Impact on the Famine Graveyard
- Material Contravention

- Appropriate Assessment

## 7.1. Visual Impact

- 7.1.1. The site is located within an area zoned neighbourhood centre and it is proposed to erect the proposed sign on the northern side of and parallel to the entrance road to the Lidl store and primary care centre, with an alternative location identified on the southern side of the entrance adjacent to the existing famine graveyard.
- 7.1.2. There is a material planning history on the site with respect to signage. I note the reference in the planning inspectors report on the parent permission for the Lidl store (ABP Ref. PL09.237924) which stated that 'some form of signage would be necessary to ensure that customers can readily identify the proposed food store'. I also note that the existing signage on the respective buildings are not readily visible from the public road, and that the buildings are located at a lower level and a considerable distance from the entrance to the overall site.
- 7.1.3. I have considered the planning history on the overall site as the neighbourhood centre evolved and, which has consistently restricted advertising at the entrance. However, at this juncture I would recommend that the Board might take a different approach in view of the prevailing changed circumstances. The existing Lidl signage, which is to be removed, is located to the north and southern side of the entrance and is at a low level and is not clearly legible on approach to the entrance from the north or south. The proposed sign is 5m in height which is two metres lower than that proposed under PL09.239690 and PL09.237924 for the discount food store. The two totem signs omitted under PL09.242489 were located within the car park of the primary care centre and not at the entrance to the neighbourhood centre. I consider that there are now merits in combining signage for both the Lidl store and the primary care centre which appears fully occupied. The design of the proposed sign is also materially different to that previously proposed. I consider that the proposed signage provides the potential to avoid a proliferation of signage at the entrance.
- 7.1.4. I have reviewed the photomontages submitted and, in my opinion, the scale of the sign proposed is significant at 5 metres in height and 2.1m in width, set on a stone

plinth of 0.18 metres. However, the applicant has made an attempt to present a bespoke design which includes natural stone. I consider the proposed design takes cognisance of its setting and that it has an improved relationship with the adjacent burial ground. While accepting the sensitivity of the location I am satisfied that the location to the north of the entrance has the capacity to absorb the proposed sign. I note that there is planting in the vicinity to provide some screening which helps to soften the visual impact. I also consider that the proposed structure is a sufficient distance from the adjoining residential properties to the north and west.

- 7.1.5. In summary, I am satisfied that the proposed totem sign, which potentially combines signage for all the units within the neighbourhood centre at the entrance, is warranted, and I consider the scale, massing and design of the proposed structure located to the north of the entrance to be acceptable. In view of the alternative location proposed to the south I recommend a condition be attached for clarity.

## **7.2. Impact on the Famine Graveyard**

- 7.2.1. As mentioned above, the famine graveyard is associated with the Poor Law Union workhouse and is identified on the historic 25inch map (see attached). While the famine graveyard is of historical significance, it is not identified as a protected structure, a recorded monument or located within an architectural conservation area. I also note that there are no protected views in the vicinity of the site. From my site inspection I noted that the burial ground which is zoned as open space is well maintained and, together with the existing planting, is an attractive feature in an otherwise built up area. In my opinion it does contribute to the character of the area which has undergone considerable change in recent years.
- 7.2.2. As noted above the design and scale of the proposal is, in my opinion, acceptable. I do not consider given its location on the northern side of the entrance that it will detract from the character of the existing graveyard. It is considered that the visual impacts on the famine graveyard are mitigated by the design and materials proposed.
- 7.2.3. In conclusion, I am of the opinion that the proposal is in accordance with the policies of the Celbridge Local Area Plan which seeks to protect historical burial grounds, in particular policy BH1.

### **7.3. Material Contravention**

- 7.3.1. The Board will note that Reason Number 1 of the decision of Kildare County Council to refuse planning permission for the proposed development states that the proposed development would materially contravene the Draft Celbridge Local Area Plan 2017-2023. As Section 37 (2)(b) of the 2000 Planning and Development Act (as amended) only applies, to development plans and not to local area plans, there is no impediment to the Board proceeding to grant a permission in this case.

### **7.4. Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise and it is not considered that the proposed development 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. I recommend that planning permission should be granted for the reasons and considerations as set out below.

## 9.0 Reasons and Considerations

Having regard to the location of the site on neighbourhood centre zoned lands and to the acceptable scale and design of the proposed structure, and to the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of property in the vicinity. The proposed 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 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. The proposed totem sign shall be located to the north of the existing entrance.

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

3. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable

indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanala to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Susan McHugh  
Planning Inspectorate

5th October 2017