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Bord  
Pleanála

## Inspector's Report PL09.249177

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<b>Development</b>	Erection of one no. monolith directional signage unit with internal illumination at the junction of Lime Drive and the R445 Public Road.
<b>Location</b>	Toughers Industrial Estate, Newhall, Ladytown, Naas, Co. Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	17/745
<b>Applicant(s)</b>	Schnittger Property Management Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Schnittger Property Management Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	26 <sup>th</sup> October 2017
<b>Inspector</b>	Ciara Kellett

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the R445 Naas to Newbridge Road at a roundabout providing access to Business Parks. It is located just before the roundabout on the Naas side on a landscaped area between the road and the Business Park.
- 1.2. Appendix A includes maps and photos.

## 2.0 Proposed Development

- 2.1. The development is described as the erection of 1 no. monolith directional signage unit with internal illumination at the junction between Lime Drive and the R445 Public Road.
- 2.2. The drawings indicate that the sign is 6m high and 1.5m wide and 0.4m deep and is of a 'totem' type design.
- 2.3. The application was accompanied by a letter explaining the rationale and need for the sign.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to refuse permission for two reasons.

1. *Having regard to the location of the proposed structure, highly visible from the R445 Regional Road, to availability of existing signage in the immediate vicinity of the site, to permit the proposed development would endanger public safety by reason of traffic hazard and the obstruction of road users, would set an undesirable precedent for further similar free standing advertising structures in this area, particularly along the R445 Regional Road with resultant serious injury to the visual amenity of the area, and would therefore be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development fails to adhere to the principles outlined at Sections 17.14.5 and 17.14.6 of the Kildare County Development Plan 2017 – 2023 in relation to signage and advertising structures. To permit the proposed*

*development would be contrary to the provisions of the Plan 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 in summary states:

- Site is currently landscaped and there is a row of semi-mature trees running along the boundary.
- Notes Development Management standards in relation to signage are outlined in Section 17.14.5 of the Plan. All signs will be considered having regard to demonstrable need, duration of signage, type, proximity to other signs, pedestrian/cycling movement, visual amenity, traffic safety, built heritage/streetscape and natural heritage.
- Notes previous permission was refused for 2 no. reasons. Notes that the applicant states that the enterprise park has a strict no ad-hoc signage policy within common areas of the estate, and that the totem sign is an estate entrance sign displaying the logo and name of Naas Enterprise Park only.
- Considers that it would be more appropriate for replacement directional signage at the roundabout and approach roads rather than a free standing sign such as that proposed.
- Considers that applicant has still failed to demonstrate a need for the sign. Considers the sign is for an advertisement of the Park and that there is sufficient directional signage or otherwise in the vicinity to appropriately identify the premises/park.
- Does not consider that any other information has been submitted which would warrant a reversal of the previous decision and that the two reasons still stand.
- Recommends a refusal of permission.

The decision was in accordance with the Planner's recommendations.

### 3.2.2. Other Technical Reports

- **Area Engineer:** No objection subject to conditions.
- **Water Services:** No objection
- **Transportation:** Recommends Refusal – considers the proposal to create an additional rigid feature on the verge of the dual carriageway will be a potential traffic hazard.
- **Environment:** No objection

### 3.3. Prescribed Bodies

- **Irish Water:** No objection

### 3.4. Third Party Observations

None received.

## 4.0 Planning History

There has been one previous application:

- **KCC Reg. Ref. 17/296:** Permission refused on 10<sup>th</sup> May 2017 for the erection of a free standing monolith advertising structure.

## 5.0 Policy Context

### 5.1. Development Plan

The site is subject to the policies and objectives of the Kildare County Development Plan 2017 – 2023. It is located within the Ladytown Environs which is considered under Section 1.9.3 of Volume 2 of the Development Plan. Chapter 17 of the County Development Plan refers to Development Management Standards.

The site is identified in Map V2 – 1.9.3, the Ladytown Environs Plan. It is zoned NE-1 Industry/Warehousing: *The purpose of this zone is to provide sites for industrial, and in particular warehousing uses, at locations which are outside the built-up area of*

*Naas, and which are, or could be made available with appropriate road improvements, readily accessible to the national road network.*

There is no reference to 'Advertising' or 'Signs' within this section of the Plan.

Chapter 17 of Volume 1 refers to Development Management Standards. Section 17.14 refers to *Shopfronts, Advertising and Signage*. Section 17.14.5 refers to *Other Signage/Advertising* and Section 17.14.6 refers to *Outdoor Advertising Structures*.

Section 17.14.5 states that:

*All applications for signage shall be considered having regard to this policy document<sup>1</sup> in terms of: Demonstrable need; Intended duration of signage; Scale of signage; Type of advertising, if applicable; Proximity to other signage in terms of proliferation and visual clutter; Pedestrian / cyclist movement; Impact on visual amenity; Impact on traffic safety; Impact on built heritage and streetscape; and Impact on natural heritage, areas of high amenity and landscape sensitivity factors.*

## **5.2. Natural Heritage Designations**

- Mouds Bog SAC (Site Code 002331) is c.4km to the north-west
- Pollardstown Fen SAC (Site Code 000396) is c.3.9km to the west

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A first party appeal has been submitted, summarised as follows:

- Reference is made to the previous planning application and reasons for refusal.
- Fail to understand how the Council have refused the application because the development would endanger public safety by reason of a traffic hazard, but excluded this reason in earlier application. State that they are satisfied that no obstruction of road users will exist upon completion of the development.

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<sup>1</sup> Kildare County Council Signage Policy 2013

Suggest that if appropriate a condition could be appended, to require the unit to be relocated further inside the kerb line, to further ensure that there is no risk posed to road users.

- Consider there has been a misunderstanding – the signage is not for advertising purposes but for directional and identification purposes only.
- Note Transport Department recommend refusal because “the proposal will create an additional rigid feature on the verge of the dual carriageway which will be a potential traffic hazard”. Definition of verge as defined by the NRA referred – state that it is not intended to locate the development in any part of the verge but on lands that are privately owned and form part of the Enterprise Park – of the opinion that the verge will remain unaffected.
- Sign is proposed at 25.5m from the point where traffic merges onto the roundabout and 1m from the road edge. Proposed signage does not obstruct the minimum stopping distances (figure provided) and forward visibility at entry to roundabout is unaffected, hence no traffic hazard.
- Refers to precedent and provides examples of 4 no. signs and planning permission references and photos, all within the vicinity.
- Erection of sign will alleviate demand of individual occupiers to erect their own signage in the area.
- With respect to ‘demonstrable need’ consider that they are one of the largest Business Parks in the County and the sign is necessary in order to adequately identify the property. Purpose of the development is to alleviate the risk of road users making late or wrong turns which currently occurs causing dangerous incidents at the approach to the junction.
- Visual Amenity: Sign is proposed to be constructed from high quality materials and finishes and will not result in serious injury to the visual amenity of the area.
- Note no submission was made by third parties.
- Amended the sign from that previously refused and revised the proposal to mitigate certain aspects.

- Conclude that development is appropriate, satisfies the requirements of the Development Plan, there is precedent and that signage is necessary for safe, clear and comprehensible identification of the Park.

## 6.2. **Planning Authority Response**

The Planning Authority responded stating that they have no further comments and to see all internal reports on file.

## 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:

- Traffic hazard
- Precedent and impact on Visual Amenities
- Compliance with policies of the Kildare County Development Plan 2017 – 2023
- Appropriate Assessment

### 7.1. **Traffic Hazard**

- 7.1.1. The Transport Department state that the proposal is to create an additional rigid feature on the verge of the dual carriageway which could be a potential traffic hazard.

The R445 road is flat and relatively straight along this section. The proposal is to be located along the roadside in private lands and is unlikely to be a traffic hazard of itself. There are a number of signs already along this stretch of road, including a standard roundabout sign providing directional advice to Tougher Business Park, as well as a restaurant and service area, and indicating to drivers to travel straight on for Newbridge. There are signs relating to the end of the hard shoulder and a car

sales sign. I do not consider that this particular sign would constitute a traffic hazard over and above the signs already in place.

## **7.2. Precedent and Visual Impact**

- 7.2.1. The roundabout on the R445 is a 4-armed roundabout. As noted in Section 7.1 above, there is already a sign on the R445 providing plenty of notice to drivers that Tougher Business Park is the first exit off the roundabout. I note that the applicant wishes to erect a sign for the Naas Enterprise Park. The address used throughout the documentation submitted by the applicant is Tougher Industrial Estate (as per Planning Application form and public notices). It is not immediately clear if this industrial estate is one and the same as Naas Enterprise Park. Reviewing the Naas Enterprise Park website information this would appear to be the case.
  - 7.2.2. A large Naas Enterprise Park sign already exists on a landscaped area just at the roundabout. The applicant has not stated what the intention for this sign is, in the case that permission is granted for another sign alongside the road.
  - 7.2.3. The area is very flat and I consider that another sign in this general location would lead to a proliferation of signs in the area which would result in a negative visual impact.
  - 7.2.4. The applicant refers to precedent. There are a number of signs in the area, but having regard to the fact that motorists are given plenty of notice along the R445 that the first exit off the roundabout is to Tougher Business Park, I am of the opinion that another sign is unnecessary.
  - 7.2.5. I draw the Board's attention to the fact that the road is not a slip road off a motorway where motorists could swerve at the last minute to get onto the slip road. The roundabout is on the R445 – all motorists must navigate past the roundabout and there is plenty of signage both before the roundabout (albeit stating Tougher Business Park) as well as a sign for the Naas Enterprise Park at the roundabout.
- In conclusion, I consider that another sign would impact on visual amenities of the area and I am not satisfied that the applicant has explained why the existing signs cannot be amended.



### 7.3. Compliance with policies of the Kildare County Development Plan 2017 – 2023

7.3.1. The Plan lists parameters that signs must be assessed against in order to obtain planning permission.

I will consider those requirements herein.

- Demonstrable Need:

I do not accept that there is a demonstrable need for the sign. As noted above, there are already many signs indicating an industrial area off the first exit of the roundabout. If the name of the Park has changed this could be addressed with the relevant road authority.

- Intended duration of signage:

It is presumed to be permanent.

- Scale of signage:

The sign is proposed to be 6m in height which would be visually dominant in the area.

- Type of advertising:

It is for directional information only.

- Proximity to other signage in terms of proliferation and visual clutter;

Visual clutter would result if the subject sign was to be erected. Furthermore, there are other signs in proximity adding to visual clutter.

- Impact on traffic safety/ Pedestrian / cyclist movement

It will not cause a visual obstruction and is unlikely to result in traffic safety issues.

- Impact on visual amenity

There will be an impact on visual amenity due to the proliferation of signs in the area.

- Impact on built heritage and streetscape, Impact on natural heritage, areas of high amenity and landscape sensitivity factors

Not applicable in this instance.

7.3.2. In conclusion, I consider that a demonstrable need has not been identified in this particular case. There are other signs which provide directional information. I consider that another sign in this location will lead to a proliferation of signs which will impact on the visual amenities of the area. Thus, the proposed development is not in accordance with the express requirements of the Section 17.4.5 of the Plan.

#### 7.4. **Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, 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**

I recommend that planning permission should be refused permission, for the reasons and considerations as set out below.

### 9.0 **Reasons and Considerations**

Having regard to the level of existing signage in the vicinity of the site, it is considered that the proposed development would lead to the proliferation of signage in the area, which would represent an unacceptable visual intrusion. It is considered, therefore, that the proposed sign would be visually intrusive and seriously injure the amenities of the area, would set an undesirable precedent for future development of this kind and would be contrary to the proper planning and sustainable development of the area.

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Ciara Kellett  
Inspectorate

1<sup>st</sup> November 2017