



An  
Bord  
Pleanála

## Inspector's Report ABP-303333-19

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<b>Development</b>	Installation of replica chimneys and telecommunications equipment on the roof.
<b>Location</b>	Freshford Community Hall, The Square, Freshford, Co. Kilkenny
<b>Planning Authority</b>	Kilkenny County Council
<b>Planning Authority Reg. Ref.</b>	18/209
<b>Applicant(s)</b>	Signal Infrastructure Ltd
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with Permission
<b>Type of Appeal</b>	First Party Vs Condition No. 2
<b>Appellant(s)</b>	Signal Infrastructure Ltd.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	21 <sup>st</sup> of March 2019
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. The subject site is the Freshford Community Hall, a three, three bay storey terraced structure facing onto The Square in Freshford. The Square is a designated Architectural Conservation Area, and the subject site is located along the northern axis of The Square.
- 1.2. The Building has a parapet roof. Being the only three storey building along the streetscape it stands out from the steeped roof pattern of the two storey buildings along the street.

## 2.0 Proposed Development

- 2.1. Installation of replica chimneys and telecommunications equipment on the roof, and equipment cabinets installed internally at the Freshford Community Hall.

## 3.0 Planning Authority Decision

### 3.1. Decision

Kilkenny Co. Co. granted planning permission for the development subject to 5No. conditions.

Condition No. 2 is relevant to this appeal.

*This grant of permission excludes any of the proposed development on the eastern part of the roof or any part of the eastern elevation of the community Hall; the original fake chimney wall mounted antennae and cable trays shall be omitted in their entirety. Prior to the commencement of any development on site, revised drawings showing such shall be submitted and agreed in writing with the Planning authority this regard.*

*Reason: In the interests of visual amenity and the protection of the architectural heritage of Freshford Architectural Conservation Area and the setting of the record Monument of St. Lachta's Romanesque door case.*

## 3.2. **Planning Authority Reports**

### 3.2.1. Planning Reports

18/05/2018

- The proposal is to replace the existing site approximately 550metres to the north on a factory rooftop. The existing site is no longer suitable to provide improving technologies in the area. Other existing sites were ruled out as they could not provide shared facilities and or the quality coverage required.
- Conservation Officer report noted, and further information is requested to this affect.
- A response to the further information was received at the planning office on 5<sup>th</sup> of September 2018.

### 3.2.2. Other Technical Reports

Fire Service: No objection

Environment Section: No observations

Architectural conservation Officer: The scale and quality of fake chimneys proposed is of concern. There are 3No. fake chimneys proposed located 2metres above the buildings parapet. Those located on the eastern side of the building are directly located opposite St, Lachtains Church a medieval archaeological monument, with a Romanesque door case of international significance. Further information is required, where the applicant is advised to revise or omit the eastern perimeter chimney stack, and a Visual Impact Assessment is carried out by the Conservation professional, to highlight the impacts and mitigation measures proposed.

## 3.3. **Prescribed Bodies**

The application was not referred to Prescribed Bodies.

## 3.4. **Third Party Observations**

There were no third party observations received.

## 4.0 Planning History

Section 5 stated the development required planning permission and was not exempt.

### 09/590

Permission granted for replacement of a pitched roof with a flat roof and all associated site works.

## 5.0 Policy and Context

### 5.1. Development Plan

#### *Kilkenny County Development Plan 2014-2020*

##### 9.4.1 Broadband

The implementation of broadband is under the remit of the Department of Communications, Energy and Natural Resources. In 2012, the Department published a national broadband plan entitled “Delivering a Connected Society: A National Broadband Plan for Ireland”<sup>154</sup>. This identified high speed broadband connectivity as a core to competitiveness and has set out targets for achieving higher speeds. Three regional broadband schemes have been rolled out to advance broadband connectivity across the country:

##### **National Broadband Scheme**

This scheme ran from 2008 to 2010. The objective of the National Broadband Scheme (NBS) was to deliver broadband to certain target areas in Ireland in which broadband services were deemed to be insufficient. Under the contract, the successful tenderer, ‘3’, were required to provide services to all premises in the NBS area who sought a service. In order to facilitate competition in the area, ‘3’ were also required to provide wholesale access to any other authorised operator who wishes to serve premises in the NBS area. The rollout of the provision of NBS services was completed in October 2010. The map below illustrates the 33 designated NBS Electoral Divisions in Co. Kilkenny

##### **Rural Broadband Scheme**

The Rural Broadband Scheme was established to enable a basic broadband service to be provided to individual rural premises which were not capable of obtaining a broadband service from existing internet service providers. The Scheme aimed to identify the premises that could not obtain a service and once all of these premises were identified, to ascertain whether existing telecommunications operators could provide a service directly to these premises. The application phase of the Rural Broadband Scheme closed on 29th July 2011.

The third programme is the broadband to schools initiative. Its aim is to equip second-level schools in Ireland with 100 Mbps of broadband connectivity and Local Area Networks (LAN) on a phased basis. The initial pilot phase of this project has been completed and delivered to 78 schools throughout the country. Under this programme all second-level schools will have 100Mbps broadband installed by the end of 2014. The roll out of broadband to schools in County Kilkenny is currently underway.

In the assessment of individual proposals, the Council will also take the impact on rights of way and walking routes into account.

To avoid proliferation, which could be injurious to visual amenities, the Council will encourage co-location of antennae on existing support structures and require documentary evidence as to the non-availability of this option in proposals for new structures. The shared use of existing structures will be required where the numbers of masts located in any single area is considered to have an excessive concentration.

Proposals within the County for telecommunications antennae and support structures must show:

- a) the alternative sites considered and why the alternatives were unsuitable,
- b) the number of existing masts within the County,
- c) the long term plans of the developer in the County and the potential for further masts,
- d) and the plans of other promoters and any prior consultations which the developer may have had with other mast owners.

## **ACA Boundaries**

The ACA boundary as shown in the 2004 LAP shall remain. See Figure 8.5.

### **Statement of Character**

Freshford is arranged around a tree-lined square. The Square forms not only the physical centre of the town but also its social and commercial heart. It is the hub from which all local roads radiate, bringing life into the community. The green is surrounded by nineteenth-century terraced houses, the Roman Catholic Church, a community hall and various shops and public houses.

The square is flanked to the east by a long wide road leading to the Catholic Church and to the local primary school located to the rear of the Church. The entrance to Uppercourt Demesne is located further out this road. The west side of the square consists of a terrace of eleven two storey houses and the south side consists of the former girls and boys school, now Prague House, a community nursing home. The north side of the square has a predominantly commercial character and forms a thoroughfare west out of the town.

### **ACA Development Management Standards based on assessment of special character**

See policies above relating to all ACAs

FACA 1 Care should be taken during works on external wall finishes, the practice of removing render to expose stonework significantly alters the character of the structure and can damage the fabric of the building.

FACA 2 The roofscape of Freshford is part of its special character. Original elements and profiles should be retained where possible and repaired and reused rather than replaced.

FACA 3 Original window and door fittings should be retained where possible and reused rather than replaced.

FACA 4 To seek the protection of the Square in Freshford, and maintain its importance as natural amenity. No development shall be permitted that in any way negatively impacts on the pivotal nature of the square in the town.

FACA 5 To maintain the height lines of the structures particularly the relationship of the Community Hall to its surrounds to the north of the square.

FACA 6 To seek the protection of the existing landscaping and features within the public realm that contribute to the character of the town. To retain the horse chestnut trees around the green.

FACA 7 To seek the retention of materials and finishes, massing, height, alignment, orientation and window proportions that reflect the existing character of the area

FACA 8 New signage must not detract from the character of the ACA. Locations of bus stops and advertising must be carefully considered within the ACA

FACA 9 To seek the retention, repair and maintenance of the buildings which make up the streetscape of the ACA.

FACA 10 To seek the refurbishment of derelict or vacant properties which are of historic interest or which contribute to the visual coherence of the streetscape.

FACA 11 New development should be appropriate in form and use to its corner, infill or backland location. Established views to local landmarks should be maintained.

FACA 12 New development should be of a very high standard of design, and should contribute to the visual enhancement of the area and respect the character of the ACA as set out in the above statement of character.

FACA 13 Where a planning application is made for the demolition of a structure within an ACA on the grounds of structural defects or failure, a report produced by a suitably qualified and experienced professional specifying the existing condition and

outlining reasons why repair options and remedial works are not deemed suitable in this case will be required.

## 5.2. **Natural Heritage Designations**

The subject site is an existing building within a village in North Kilkenny. There are no European sites within 5Km of the site.

The River Barrow and River Nore SAC (Site Code 004233) is over 5Km to the east and Spahill And Clomantagh Hill SAC (Site Code 000849) is 12km to the west of Freshford.

## 5.3. **EIA Screening**

Having regard to the nature and scale the development which consists of attaching fake chimneys and telecommunications structures and equipment to the roof of an existing building in a built-up village location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 **The Appeal**

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

The Board is requested to remove Condition No. 2 on the following grounds:

- The proposed development constitutes a multi-stake holder approach to the colocation of mobile operators on a shared roof top in accordance with national communications guidelines;
- The Conservation Report detailed design alterations and mitigation measures proposed to reduce the predicted visual impact. The proposed design strikes a reasonable balance between meeting the technical objectives of the operators and ensuring the character of the ACA and views from St. Lachtains Romanesque door are protected.



- A comprehensive technical justification has been provided with the application to justify the locational requirements for the development, and specifically the equipment on the eastern elevation. The installation is not technically viable without this element. The antenna is to be pointed eastwards to cover the R693 as it enters/ exits Freshford village.
- The development is of national strategic importance regarding the improvement of mobile communications services and rural broadband.
- The proposed shrouded and face mounted installation is an innovative response to providing telecommunications services in a rural village setting.
- Photographs from the east and an aerial photograph are included to illustrate the visual impact of the proposed structure on the eastern gable. The visual impact will be minimal.

## 6.2 Planning Authority's Response

The planning authority has no further comment to make on appeal.

## 7.0 Assessment

7.1.1. This appeal is against one condition attached to the decision to grant planning permission for the installation of replica chimneys and telecommunications equipment on the roof, and equipment cabinets installed internally, at the Freshford Community Hall. The underlying principle of the proposed development is acceptable, and there is no need assess the merits of the proposal de novo.

7.1.2. The applicant has appealed Condition No. 2:

*This grant of permission excludes any of the proposed development on the eastern part of the roof or any part of the eastern elevation of the community Hall; the original fake chimney wall mounted antennae and cable trays shall be omitted in their entirety. Prior to the commencement of any development on site, revised drawings showing such shall be submitted and agreed in writing with the Planning authority this regard.*

*Reason: In the interests of visual amenity and the protection of the architectural heritage of Freshford Architectural Conservation Area and the setting of the record Monument of St. Lachtains Romanesque door case*

The context of the Freshford Community Hall is that the building addresses Freshford Square. Freshford is arranged around a tree-lined square. The Square forms the physical centre of the town but also it is also its social and commercial heart. It is the hub from which all local roads radiate, bringing life into the community. The green is surrounded by mainly two storey dwellings in a terrace formation, the Roman Catholic Church, a community hall and various shops and public houses.

A Visual Impact Assessment carried out by Architectural Conservation Architects was submitted following a request for further information the Conservation Officer of the planning authority. There were revised proposals submitted to mitigate the visual impact of the proposal in particular along the eastern elevation. According to the report, the Community Hall is a statement building due to its three storey form with a flat roof in contrast to the street's pattern of two storey buildings with pitched roofs. The main aspect of the building is onto Freshford Square. Apart from its massing and height, it is my opinion, the Freshford Community Hall contributes very little architecturally to the overall Freshford Architectural Conservation Area.

There were five main Visual receptor locations studied in the Visual Assessment Report. The first was the view of the proposed development from the 18<sup>th</sup> Century Romanesque Door.

- One would have to look upwards towards the roof of the Community Hall to see the building as most of the eastern elevation is blocked from view by a two-storey corner building.
- The bulk of the subject eastern elevation and roofscape is visible from a setback along the Kilkenny Road, whereby a partial view of the 18<sup>th</sup> century church can be seen, with the foreground dominated by the stone wall of the church.
- The approach from the north from the Urlingford direction is more the northern rear elevation of the Community Hall. A partial view of the roofline is obvious.

- The view from the Square itself is very limited due to the trees lining the Square.

Having examined the revised drawings submitted by way of Additional Information on the 2<sup>nd</sup> of November 2018, it is evident the bulk of the equipment is proposed to the rear and western side of the Community Hall. There are 3 No. 1.5metre antenna proposed below the parapet level of the roof along the eastern elevation of the building. There are 0.6m dishes is also proposed on the roof which will be visible from the eastern and northern approach into the village. The drawings state the antennas mounted on the wall along the eastern elevation will be painted/ camouflaged to match existing building.

From a technical point of view the applicant has stated on appeal the antennas are required to cover the approach along the Kilkenny Road. The original proposal included an additional fake chimney on the east side of the building and this proposal was revised following the recommendations of the Visual Impact Assessment. I note in particular the photomontages presented in Table 6.1 of the report. In my opinion, the visual impact of the revised proposals from the church and approach roads will be neutral. I note that the Conservation Officer was concerned that the antennae would project from the eastern wall of the return, however, I note the applicant intends to paint the swivel brackets also, and the projection is not significant.

When taken in the context of the existing building envelop and legibility from the adjoining churches and approach roads, it is my opinion, the proposed antennae on the eastern wall will result in a minimal material visual impact when viewed from the Architectural Conservation Area and the setting of the St. Lachtain's Romanesque doorcase.

### 7.1.3. **Appropriate Assessment**

The nearest designated sites, are The River Barrow and River Nore SAC (Site Code 004233) which is over 5Km to the east and Spahill And Clomantagh Hill SAC (Site Code 000849) is 12km to the west of Freshford.

The proposed development is for two small telecommunications equipment and fake chimneys onto an existing terraced building within a village.

- 7.1.4. It is reasonable to conclude that on the basis of the information on file, the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites the River Barrow and River Nore SAC (Site Code 004233) which is over 5Km to the east and Spahill And Clomantagh Hill SAC (Site Code 000849), a stage 2 appropriate assessment (submission of an NIS) is not therefore required.

## 8.0 Recommendation

- 8.1. I recommend that Condition No. 2 be omitted from the Decision to Grant Planning Permission.

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Caryn Coogan  
Planning Inspector

25<sup>th</sup> of April 2019