



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309583-21

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<b>Development</b>	Installation of a Main Identification Totem sign.
<b>Location</b>	Mayfield Interchange Services Area, Junction 14, M7 Motorway, Mayfield, Monasterevin, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	20727
<b>Applicant(s)</b>	Lindon Limited
<b>Type of Application</b>	Advertising and Signage
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Christopher Donoghue
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14 <sup>th</sup> May 2021
<b>Inspector</b>	Rachel Kenny

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.2. Planning Authority Reports .....	3
3.3. Prescribed Bodies .....	4
3.4. Third Party Observations .....	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. EIA Screening .....	6
6.0 The Appeal .....	6
6.1. Grounds of Appeal .....	6
6.2. Applicant Response .....	6
6.3. Planning Authority Response .....	7
6.4. Observations .....	7
6.5. Further Responses.....	7
7.0 Assessment.....	7
8.0 Recommendation.....	10
9.0 Reasons and Considerations.....	11
10.0 Conditions .....	11

## 1.0 Site Location and Description

- 1.1. The site is located in the townland of Mayfield, approx. 3.3km east of Monasterevin. The site comprises a motorway service station off the M7, at junction 14. The proposed totem pole, advertising the existence of the service station is proposed within the motorway service station site, in the northern corner adjacent to car parking area.
- 1.2. There is an access road to the immediate north of the site serving an existing dwelling and stables.

## 2.0 Proposed Development

- 2.1. The applicant (Lindon) proposes to erect a 12m advertising totem pole. The pole will be lit externally.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to grant permission for the development on 05/02/2021, subject to 8 conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The application was lodged on the 09/07/2021, and was subject to further information and clarification of further information. The key issues to be addressed in respect of the proposed development, as requested by the planner related to:

- Compliance with the Development Plan building line set back provisions (requiring new buildings to be set 91m back from the Motorway/National and Regional Roads)
- Lighting arrangements

The issues raised by the planner reflected those of the third party who objected to the development for reasons relating to devaluation of their property and visual impact.

### 3.2.2. Other Technical Reports

- The Roads Section of Kildare County Council had no objection to the proposed development and were satisfied that it did not constitute a traffic hazard. They recommended a grant (and did not require FI or CFI).
- Area Engineer – No objection subject to conditions
- EHO & LHO - No response

### 3.3. Prescribed Bodies

- Irish Water – No report
- TII – No objections subject to conditions

### 3.4. Third Party Observations

3.4.1. One objection received from resident of neighbouring rural house (Mr. Christopher Donoghue), c. 160m east of the service station, accessed by the service road immediately north of the site.

3.4.2. The issues raised by the planner reflected those of the third party who objected to the development for reasons relating to devaluation of their property and visual impact, and given proximity to motorway would constitute a material contravention of the Development Plan.

## 4.0 Planning History

04/2687 – permission granted for a Motorway Service Area.

06/1881 - permission granted for a Motorway Service Area.

10/208 – amendments to permitted MSA under 06/1881

12/888 – retention for MSA as built (parent permission 06/1881)

15/144 – Extension to Motorway service station, reconfiguration of site, additional parking, etc. permitted on site.

16/858 – amendments to permitted service station.

18/1055 – electric vehicle charging station.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. Kildare County Development Plan 2017-2023 is the applicable statutory plan.

5.1.2. Section 17.7.2 relates to Building Lines. It is the stated policy of KCC that where developments are permitted in rural areas along national, regional or county roads they must conform to minimum setback distances listed in table 17.8.

5.1.3. As per table 17.7, for Motorway the stated distance is 91m.

5.1.4. It further states that all measurements are taken from the edge of the road, and that other building lines may be specified in recognition of local conditions. The policy further states that 'in situations where there is an established building line, new houses where appropriate, shall conform to the established building line.

5.1.5. 17.14.5 Other Signage/Advertising

The Kildare County Council Signage Policy adopted in 2013, which has regard to TII policy (2011) and spatial planning and national roads guidelines (2012) amongst other documentation sets out the Councils approach to effectively manage signage.

All applications for signed shall have regard to this policy in terms of:

- Need
- Duration
- Scale
- Type of advertising
- Proximity to other signage, re. proliferation
- Ped/cycle movement
- Impact of visual amenity

- Traffic safety
- Built heritage and streetscape
- Natural heritage, areas of high amenity and landscape sensitivity factors

## 5.2. EIA Screening

- 5.2.1. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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

- 6.1.1. One objection received from resident of neighbouring rural house (Mr. Christopher Donoghue), c. 160m east of the service station, accessed by the service road immediately north of the site.
- 6.1.2. The issues raised by the planner reflected those of the third party who objected to the development for reasons relating to
- devaluation of their property
  - visual impact, and
  - given proximity to motorway the development would constitute a material contravention of the Development Plan.

### 6.2. Applicant Response

The proposed development should be permitted, on the grounds that:

- The 91m relates to Building lines, and the proposed development is not a building

- The development specifically provides that 'other building line' setbacks can be applied having regard to local context
- The development has been designed, and lighting amended and detail to mitigate and reduce any impact relating to the proposed development
- The proposed development does not cause a traffic hazard – no objection from TII or Roads or Area Engineers
- The sign is needed for business reasons/need – and highlight to the public the service station exists – and is designed to highlight this to motorway users; and
- The area is not visually sensitive, and the totem pole sits within the context of a well established and permitted service station.

### 6.3. **Planning Authority Response**

- No further observations

### 6.4. **Observations**

- None

### 6.5. **Further Responses**

- None

## 7.0 **Assessment**

7.1. Having visited the site and reviewed the application and appeal documentation, I am satisfied that the issues raised by the planner in the first instance and thereafter on appeal are the only relevant issues arising. I will consider the proposed development in respect of

- Material Contravention
- Visual Impact
- Residential impact & Devaluation of property

## 7.2. Material Contravention

- 7.2.1. The proposed development is located c.60 m from the edge of the M7, and c. 35 m from the slip road off the main M7 carriageway (both to the north of the site).
- 7.2.2. I note the KCC planner's request for FI relating to the proximity of the sign to the Motorway in the context of the 91m setback referenced in table 17.8. I further note the appellant's views in this regard and the applicants response to FI and on appeal. I am satisfied that no material contravention applies in respect of the proposed development, as the stated setbacks would appear to primarily relate to 'buildings' rather than ancillary infrastructure – eg. The car parking, electric charging station, etc. which are sited within 91m of the edge of the motorway. I am satisfied that the Council have distinguished between a building, and other development in terms of setbacks. I am also further satisfied that the Plan (under the same policy) provides that in certain local contexts alternative building lines may be considered appropriate.
- 7.2.3. To this end, I am satisfied that the development does not contravene the development plan, and that this issued has been fully considered by the PA, and that they satisfied themselves on this issue.

## 7.3. Visual Impact

- 7.3.1. Section 17.14.5 of the Kildare Development Plan deals with 'Other Signage/Advertising'. All applications for signed should have regard to this policy in terms of:
- Need
  - Duration
  - Scale
  - Type of advertising
  - Proximity to other signage, re. proliferation
  - Ped/cycle movement
  - Impact of visual amenity
  - Traffic safety



- Built heritage and streetscape
- Natural heritage, areas of high amenity and landscape sensitivity factors

- 7.3.2. I am satisfied that the applicant has indicated a need for the sign, to improve awareness for road users (in particular on the M&) of the proposed service station and this is a reasonable justification in respect of need. The service station is not visible from the road, and while general service station signage is provided for by TII, the proposed additional site specific locational sign would improve visibility and awareness. TII has no objection to this.
- 7.3.3. The sign is a permeant sign, and is double sided and 12m high – only advertising the service station and no other names will be included. The sign is pressed metal and is well designed and lighting has been fully considered through FI and CFI. I am satisfied that it is the only sign visible in respect of this development and does not contribute to proliferation of signage In the area. The sign does not impede cyclists or pedestrians, and is located logically within the site so as not to obscure sightlines within the site/car park. Roads and Area Engineer indicated no objection or issue re traffic safety or conflict with other road users.
- 7.3.4. In terms of visual impact, the site is already a well established and relatively large commercial operation/MSA within a rural location, and this development sits within that context. The area is not part of a protected or highly sensitive landscape and the development can be absorbed easily within this landscape. There are no built or natural heritage issues arising.
- 7.3.5. While I note the proposed sign will be visible from the motorway, the appellant's service road and house, and generally within the immediate locality, I am satisfied that this visibility does not equate to a significant adverse visual impact such as would warrant refusal or further amendment.

#### **7.4. Devaluation of Property/Residential Impact**

- 7.4.1. I am satisfied that the Planning Authority have accurately identified potential light pollution as a the only other potential impact (having considered and resolved issues of compliance with the development plan, traffic safety and visual impact).
- 7.4.2. The applicant has addressed this through amendments to the proposed lighting arrangements (from internal illumination to external) and has submitted through FI

and CFI for this issue to be adequately assessed. I am satisfied that this visibility/ additional light does not equate to a significant adverse visual or residential impact such as would warrant refusal or further amendment, and should be considered in the context of the level of light already associated with the motorway slip road and service station (which is 24 hour).

### **Conclusion**

7.5. Having regard to the nature and scale of permitted MSA development on the site, the nature and design of the proposed sign, the level of compliance and consideration of the Development Plan policy with regard to signage, I do not consider the proposed development to impact on the visual or residential amenities of the area, and do not consider the proposal to constitute a material contravention of the plan. I consider the proposed development to be in accordance with the proper planning and sustainable development of the area.

### **7.6. Appropriate Assessment**

7.6.1. 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**

8.1. Arising from my assessment above I consider the decision of Kildare County Council to grant permission for the proposed development to be appropriate in this instance, and should be upheld, as it is considered that the proposed development will not significantly impact the residential amenity or visual amenity of the area, nor constitute a traffic hazard. Therefore, I am satisfied that the development as proposed would be in accordance with the proper planning and sustainable development of the area.

8.2. I recommend that permission should be granted for the proposed development subject to the PA's conditions.

## 9.0 Reasons and Considerations

Having regard to:

- (a) the provisions of the Kildare County Development Plan 2017-2023,
- (b) the modest nature and scale of the development proposed in the context of the established Motorway Service Station on site,
- (c) the extent to which the proposal complies with development plan policy in respect of signage, and
- (c) the pattern of development in the area and in particular on site,

it is considered that subject to compliance with the conditions generally set out under 20/727, the proposed development would not seriously injure the residential or visual amenities of the area or adversely affect property values in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application [as amended by the further plans and particulars submitted on the 09<sup>th</sup> day of 07 2020 and by the further plans and particulars received by Planning Authority on the 17<sup>th</sup> day of 11, 2020 and 19<sup>th</sup> day of 01, 2021], 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change to the display panels, including any increase in</p>

	<p>the font size, nature of information being displayed, or the external illumination, shall be the subject of a separate application for permission to the planning authority. This permission relates to this signage only, and all other future signage shall be the subject of a separate consent.</p> <p><b>Reason:</b> To enable the planning authority to assess the impacts of any such changes on the amenities of the area.</p>
3.	<p>No spoil, dirt or debris or other materials shall be deposited on the public road, footpath or verge by operatives of vehicles travelling to or from the site during construction of the proposed development.</p> <p><b>Reason:</b> To ensure that the developer keeps the public area adjacent to the development in a suitably clean state of repair during construction.</p>
4.	<p>The developer/owner of the MSA shall reposition the sign to an alternative position on site to the satisfaction of the Planning Authority and Transport Infrastructure Ireland if required at a later date. The developer/owner of the MSA shall be liable for all costs.</p> <p><b>Reason:</b> To provide future transportation upgrades and associated building line requirements.</p>
5.	<p>The Developer shall ensure that all surface water drainage arrangements on site are to the specifications and requirements of the Planning Authority's water services department.</p> <p><b>Reason:</b> In the interest of providing for proper drainage facilities, and ensure that roadside drains are appropriately maintained.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400</p>

	<p>hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
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Rachel Kenny

Director of Planning

16<sup>th</sup> May 2021