



An
Bord
Pleanála

Inspector's Report ABP315024-22

Development	Replacement of existing telephone kiosks
Location	Near Garda Station, Main Street, Newbridge, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	22/1021
Applicant(s)	Eircom Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party vs. Refusal
Appellant(s)	Eircom Ltd
Observer(s)	None
Date of Site Inspection	16 th April 2023
Inspector	Leah Kenny

1.0 Site Location and Description

The proposed development is located on the public pavement on the southern side of Main Street near the Garda Station, Newbridge, Co. Kildare approximately 9.2m southwest of the existing telephone kiosks which are to be replaced.

It is located on a wide area of pavement bounded by both Main Street and St Patrick's Terrace. Other street furniture and infrastructure in the immediate area includes a visitor information sign, litter bin and light standard.

2.0 Proposed Development

The proposed development replaces two existing telephone kiosks with a new telephone kiosk including an integral communication unit and a digital advertising display. The kiosk unit measures 1.096m (long) x 0.762m (wide) x 2.43m (high). The digital advertising display measures 1.650 (high) x 0.928 (wide) with a total screen area of 1.53m². A small electricity supply box immediately adjoining the kiosk is evident on the photomontages but not on the plans.

The kiosk is to be positioned set back from Main Street in front of the bollards defining the off-street parking area.

3.0 Planning Authority Decision

By order dated 12th October 2022, Kildare County Council (KCC) issued a notification of the decision to refuse planning permission. The three reasons for refusal can be summarised as:

1. The Planning Authority is not satisfied that there is a requirement for the proposed advertising panel or replacement telephone kiosk and, as such the proposed development would be contrary to Section 17.14.5 of the Kildare County Development Plan 2017 relating to "Other Signage / Advertising" which seeks to avoid visual clutter and requires the need for new signage or advertising to be demonstrated.
2. The proposed development of a public telephone kiosk with large advertising panel would constitute an unduly prominent and obtrusive feature in the

streetscape of Newbridge Town Centre and would contribute to the creation of visual clutter on the street. As such the proposed development would contravene the zoning objective for the town centre which seeks to protect and enhance the special character of Newbridge town centre and would be contrary to the policies stated in the Local Area Plan, including RO 5 and RO 7, which seek to review all signage and redundant telecommunication kiosks in Newbridge town centre in order to rationalise signage and ‘to promote a clearly defined signage network and avoid visual clutter’.

3. The design of the proposed kiosk, including its excessive height, width, and prominent advertising panel, is not considered consistent or acceptable within a historic Irish Town Centre, and would seriously injure the amenities of adjoining properties.

4.0 Planning Authority Reports

4.1.1. Planning Report

The planning report is the basis of the planning authority’s decision to refuse permission. The key considerations of the Case Planner focused on the Town Centre zoning of the site with the objective to amongst other things “*protect and enhance the special character of Newbridge town centre*”, the historic context of the town centre (a potential future Architectural Conservation Area) *and* the Council’s policies relating to signage, advertising, tourism information and avoiding visual clutter.

The application was screened for Appropriate Assessment and the screening showed no potential for significant effects.

4.1.2. Other Technical Reports

Municipal District Engineer – No objection subject to conditions.

Water Services – No comments.

Transportation - No objection subject to conditions.

Strategic Projects and Public Realm – Recommends refusal.

Conservation Officer – Recommends further information and a revised location and design.

4.1.3. **Prescribed Bodies**

None.

4.1.4. **Third Party Observations**

There was 1 no. third party submission objecting to the proposed development. The issues raised include an increase of street clutter, obstruction within the public pavement and the encroachment of advertising into the streetscape.

5.0 **Planning History**

None on site.

6.0 **Policy and Context**

6.1. **Kildare County Development Plan 2023 – 2029**

The Kildare County Development Plan 2017 – 2023 while current at the time of both the lodgement and assessment of the application has now been superseded by the Kildare County Development Plan 2023 – 2029, which was adopted on 28th January 2023.

The subject site is located within the northern section of the Newbridge Core Retail Area (Map Ref. V1-8.11).

The Development Plan includes the following policy objectives and actions of relevance:

- In relation to telecommunications Infrastructure (Section 7.15):
 - EC P20: Support national policy for the provision of new and innovative telecommunications infrastructure and to recognise that the development of such infrastructure is a key component of future economic prosperity and social development of County Kildare.
 - EC O79: Achieve a balance between providing telecommunications infrastructure and sustaining residential amenity and environmental quality

including protecting the visual amenity of town centres - in particular Heritage Towns and ACAs.

- EC O80: Ensure the location of telecommunications structures minimises and/or mitigates any adverse impacts on communities, public rights of way, historical sites, or amenities, and the built or natural environment.
- In relation to Urban Centre and Retail and Newbridge (Section 8.7.1.2):
 - RET O24: Continue to enhance the profile of Newbridge through strategic environmental enhancement, the creation of vibrant urban spaces, places of interest and the introduction of public art.
- In relation to Architectural Heritage (Section 11.18):
 - AHA21: To investigate the designation of further ACAs at appropriate locations throughout the county including The Curragh Camp, Johnstown, Ballymore Eustace, Kilcullen, Brannockstown, Rathmore, Clane, Newbridge and Castledermot.
- Section 15.15 of the Development Plan deals with Advertising and Signage and refers to Kildare County Council's Shopfront Guidelines (2013) which sets out the Council's approach to managing signage. All applications for signage are to be considered having regard to this policy document in terms of amongst other things demonstrable need, scale of signage, pedestrian / cyclist movement, impact of visual amenity, impact on traffic safety and impact on built heritage and streetscape.

The need for careful and sensitive management of the proliferation of advertising structures, visual clutter and brand advertising is especially noted for historic town and villages centres and approaches to all towns and villages in the county to ensure the public realm is enhanced and protected.

Table 15.10 considers different types of signage and considers restrictions on their use and/or design criteria. Digital Boards/Signs are considered "*Generally not appropriate*" and '*Not permitted in an ACA or on or close to a Protected Structure*'. Public Information Panels are considered generally appropriate but should not obstruct footpaths / cycle paths and advertising

permitted on public information panels should constitute not more than 50% of the total area.

6.2. Newbridge Local Area Plan 2013-2019

The Newbridge Local Area Plan 2013-2019 (LAP) which extended to 22nd December 2021, has now expired. The policies and objectives of the 2013 – 2019 LAP are considered for context.

In the LAP the site was zoned A – Town Centre ‘to provide for the development and improvement of appropriate town centre uses including retail, residential, commercial and civic uses’. The purpose of the zoning was to inter alia protect and enhance the special character of Newbridge town centre. In Map 2 of the LAP and under Policy SRO 7, the Main Street axis was identified for Streetscape Improvement works.

The LAP included specific policy objectives to safeguard and enhance the streetscape within the town including Policy RO 5 and RO 6. Of particular note is RO 7 ‘to carry out an audit/review of all signage and surplus poles/ road signs and redundant telecommunication kiosks in Newbridge town centre in order to rationalise signage and obsolete structures and to promote a clearly defined signage network and avoid visual clutter’.

6.3. Natural Heritage Designations

None in the vicinity. The nearest European sites are Moudes Bog SAC (2.8km to the north) and Pollardstown Fen SAC (2.3km to the west).

6.4. EIA Screening

The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

7.0 The Appeal

7.1. Grounds of Appeal

The main grounds of the First Party Appeal can be summarised as follows:

- There is a need to provide some public payphones for people who do not have access to mobile services and for emergency purposes.
- The Council failed to take into consideration several of its own policies from the Kildare County Development Plan, Kildare County Council Corporate Plan, and County Kildare Access Strategy including policies which support development and provision of services for communities and policies in the Newbridge LAP (specifically TC 1, RR 8, RO 5 and SRO 7).
- The Council failed to adequately assess the stated merits of the proposed development, including the findings of the Architectural Heritage Impact Assessment (requested by the Council), even though the proposed development is not in an ACA.
- The applicant also stated that the kiosk was of a design developed for Ireland and that full details were included in the planning application.

7.2. Planning Authority Response

In its response to the First Party Appeal, the Council's notes its main objection to the proposed development relates to the size of the kiosk and the undue prominence and priority given to its advertising element in an historic town centre context, such as Newbridge. It considers the proposed new kiosk would be an inappropriate addition to the streetscape at the proposed location. The Council reiterates the importance that new and replacement street furniture must be sensitively designed, must not create undue visual clutter, or impede pedestrians, in particular those with mobility issues and visual impairments.

8.0 Assessment

Having examined the application details and all other documentation on file, including the submissions received in relation to the planning application, the applicant's First Party Appeal, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues on this appeal are as follows:

- Principle of Development
- Historical Context & Amenity
- Signage & Visual Amenity
- Design & Visual Amenity

Each of these issues is addressed in turn below.

8.1. Principle of Development

- 8.1.1. I consider the principle of removing and replacing the two existing telephone boxes as consistent with policies in both the Kildare County Development Plan and Newbridge LAP 2013 – 2019 insofar as the act of removing the existing telephone boxes would improve the physical fabric and environment of this part of Newbridge town centre and replacing the telephone service provides an opportunity for new and innovative telecommunications infrastructure to serve both residents and visitors.
- 8.1.2. It is evident that the use of traditional telephone boxes / public payphones has decreased significantly with the growth in mobile phone usage, and I agree with the applicants that modernisation is required. It is not surprising that this modernisation seeks to incorporate multi-functional digital display technology. I also agree with the applicant that modernising of the traditional telephone kiosk presents opportunities vis-à-vis wayfinding / mapping, displaying tourism information and promoting local events.
- 8.1.3. However, notwithstanding the above, the principle of replacing and modernising the public telephone service and function cannot be seen in isolation from the location, siting, nature and design of the telephone kiosk structures themselves.

Also of relevance is the inclusion of a digital advertising display as an integral part of the design of the telephone kiosk.

8.2. Historical Context & Amenity

- 8.2.1. The subject site is not located within an Architectural Conservation Area (ACA); however, the intentions of Kildare County Council to investigate the designation of further ACAs at appropriate locations throughout the County including Newbridge, is worth noting. The inclusion of the protection and enhancement of the built heritage and streetscape in Newbridge as one of the core objectives of the Newbridge LAP 2013 – 2019 is also noteworthy.
- 8.2.2. The proposed development is sited towards the northern end of Main Street. The immediate area is characterised by a very wide area of pavement (forming a small plaza like space) bounded by both Main Street and St Patrick's Terrace. There is no building line along this section of the street, rather the area is defined by bollards separating the pavement / plaza area from an area of public parking off St Patrick's Terrace. As noted by the First Party, the location of the proposed development is where the public toilets once stood, and which were removed relatively recently (between 2018 -2019). Other street furniture and infrastructure in the immediate area includes a visitor information sign, litter bin and light standard.
- 8.2.3. To the south of the subject site, the Court Shopping Centre is not a particularly noteworthy late 20th century building albeit that it does establish a building line and defines the corner of Main Street and St Patrick's Terrace. To the north of the subject site there is an attractive raised area of mature planting which screens the two set back properties. The Garda Station itself is further to the north with a generous pavement area along its frontage.
- 8.2.4. Without a strong building line, with varied architectural styles and street furniture and on street parking, I consider this northeastern section of Main Street to lack historical or streetscape homogeneity. In this regard, I note and would agree with the First Party's Architectural Heritage Impact Assessment which observes that while the western side of Main Street contains an almost continuous unbroken street front respecting the original layout of the street, much of the eastern side of

the street is defined by modern redevelopment of portions of the former barracks site.

- 8.2.5. Having regard to the above, I consider the context of the subject site to be robust in comparison to other locations along Main Street / within Newbridge town centre and comprises a built environment which is potentially capable of accommodating a modern telephone kiosk structure such as the proposed development without undermining the historical character and quality of the town centre or detracting from associated amenities.
- 8.2.6. However, and notwithstanding the above, the repositioning of the new kiosk to a more prominent position on the pavement and the design of the kiosk are important considerations in the assessment of the suitability, or otherwise, of the proposed development in the context of Newbridge town centre. This is addressed further below.

8.3. **Signage & Visual Amenity**

- 8.3.1. The Development Plan requires the careful and sensitive management of the proliferation of advertising structures and associated visual clutter. This is especially noted for historic town and village centres to ensure their public realm is enhanced and protected.
- 8.3.2. In relation to digital boards / signs the Development Plan is clear that they are generally not appropriate.
- 8.3.3. I note the location of the two existing telephone kiosks at the northern end of the pavement / plaza area in front of the low plinth wall which defines the vehicular access to the two set back properties behind the raised landscaping feature. I consider them to be neatly tucked into this part of the pavement / plaza area avoiding impeding pedestrian movement in this location and fading into the background landscaping.
- 8.3.4. The applicants do not provide any justification for the repositioning of the new kiosk. However, the large digital advertisement screen which dominates the southern elevation is clearly an integral part of the design of the kiosk; and its proposed new location and orientation within the public pavement is clearly intended to maximise its visibility.

- 8.3.5. I note that some of the more distracting aspects of digital boards / signs could be managed, for example by measures proposed by the applicants in this instance including a) the digital screen can be programmed to only display static images without movement, animation, flashing or three-dimensional effects and b) the light output of the digital screen can also be controlled. However, a more fundamental issue is whether it is appropriate in the first instance to introduce any new advertisement display into a prominent position on the public footpath.
- 8.3.6. It is proposed to locate the new kiosk centrally within the pavement / plaza area in front of the bollards defining the off-street car park. I acknowledge that this was previously the location of free-standing public toilets which were removed in 2018 / 2019. However, I consider that the removal of the public toilets has opened up and decluttered this part of the public pavement. I therefore consider it would be a retrograde step to reintroduce a new structure from both a pedestrian movement perspective (including potential to impede those with mobility issues and visual impairments), and in terms of clutter.
- 8.3.7. While the new kiosk may have a smaller footprint to the existing telephone boxes, it has a more substantial presence given its new more prominent central location, design and materials used, and large digital advertising display. I also believe that siting of the proposed kiosk here would undermine future potential public realm initiatives at this location. In this regard, I note Objective RET O24 which seeks to enhance the profile of Newbridge through strategic environmental enhancement, the creation of vibrant urban spaces, places of interest and the introduction of public art.
- 8.3.8. I consider Kildare County Council to have a proactive policy approach to signage as set out in Section 15.15 and has carefully considered a range of advertising formats in a range of locations as set out in Table 15.10 of the Development Plan. I believe that the proposed development would be at variance with this policy as it would introduce a discordant and inappropriate form of advertising which would contribute to visual clutter within the public realm.
- 8.3.9. Having regard to the foregoing, I consider the proposed development to not comply with Policy Objective EC O79, EC O80 and RET O24, and Section 15.15 of the Development Plan.

8.4. Design & Visual Amenity

- 8.4.1. I have reviewed and considered the concern of the Planning Authority and the response of the First Party relating to the appropriateness or otherwise of the design of the proposed telephone kiosk.
- 8.4.2. I consider the proposed design approach to be a passable modern interpretation of the P&T 'Teléfono' boxes rolled out across the country in the mid to late 20th century and more recent telephone kiosks (as per the kiosks to be replaced). I consider there are suitable opportunities for this particular standard design in some locations and that the digital interface can present opportunities vis-à-vis wayfinding / mapping, displaying tourism information and promoting local events.
- 8.4.3. The introduction of the digital advertising element requires careful consideration from a visual amenity perspective insofar as it has influenced the kiosk design and size. In this regard, the proposed development needs to demonstrate that it will not negatively impact on the visual amenity the area, but also that it can positively contribute and enhance the public realm and its surroundings.
- 8.4.4. As noted above, I consider this part of Main Street to comprise a built environment potentially capable of accommodating a modern telephone kiosk structure such as the proposed development without undermining the historical character and quality of the town centre and related amenity considerations. I also note the nearby location of an existing tourism information sign; and consider there are opportunities for transitioning to a digital interface for such information in this location. However, the design of the proposed kiosk is driven by the advertising display function and not the telecommunication function. This has determined the size, form, and physicality of the structure and requirement for a more prominent location on the pavement.
- 8.4.5. I consider that the design as currently proposed may be acceptable should the existing kiosks be replaced 'in-situ' i.e., maintaining the location of the two existing telephone kiosks at the northern end of the pavement / plaza area. However, the proposed more central location combined with its perpendicular position across the public pavement will injure the visual amenities of the area and detract from the ambience and quality of the public realm at this location.

8.4.6. Having regard to the foregoing, I consider the proposed development to not comply with Policy Objective EC O79 and RET O24 and Section 15.15 of the Development Plan.

9.0 **Appropriate Assessment**

Having regard to the location of the site and the nature and scale of the proposed development it is concluded no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 **Recommendation**

Having regard to the above, I recommend that planning permission be refused for the following reasons and considerations.

11.0 **Reasons and Considerations**

The proposed development is at a prominent location along Main Street, Newbridge Having regard to the content of the Kildare County Development Plan 2023 - 2029 including Policy Objective EC O79 and RET O24 and Section 15.15; it is considered that the proposed development, by reason of its location, form, scale and design (including digital advertising display) would constitute a discordant feature, would materially affect the visual amenities and would impede pedestrian movement at this location. It would thus be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Leah Kenny
Planning Inspector

7th June 2023