



An
Bord
Pleanála

Inspector's Report ABP315025-22

Development	Replacement of existing telephone kiosks
Location	Near Maynooth Garda Station, Main Street, Maynooth, Co Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	22/1020
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 within Maynooth town centre on the public pavement on the south side of Main Street, Maynooth, Co. Kildare. It is close to the junction of Main Street and Leinster Street/Mill Street and to the side of Maynooth Garda Station.

The existing double phone box which is to be replaced is located approximately 8.5m to the east. The location of the repositioned telephone kiosk is adjacent to a large deciduous broadleaf tree. A cycle way delineated within the public pavement runs between both the existing and proposed telephone kiosk locations and the railings defining the building line to the south before it makes a right angle turn and links back to Main Street immediately to the west of the proposed new telephone kiosk.

2.0 Proposed Development

The proposed development replaces the existing double phone box with a 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 which measures 1.650m (high) x 0.928m (wide) with a total screen area of 1.53m² is on the western elevation of the kiosk. A proposed CCI micro pillar is proposed at the back of the footpath adjacent to an existing ESB mini pillar and in front of the railings and associated plinth defining the curtilage of the Garda Station. A small electricity supply box immediately adjoining the kiosk is evident on the photomontages but not on the plans submitted with the application.

3.0 Planning Authority Decision

By order dated 13th October 2022, Kildare County Council (KCC) issued a notification of the decision to refuse planning permission. The four reasons for refusal can be summarised as:

1. The Planning Authority was not satisfied that there is a requirement for the proposed advertising panel or replacement telephone kiosk. Furthermore, the undue prominence of the advertising screen would detract from the visual

amenities and qualities of the area, contrary to the provisions of the Kildare County Development Plan 2017 – 2023.

2. The proposed development of a public telephone kiosk with large advertising panel and micro pillar would have a detrimental effect on the character of two adjoining protected structures, Maynooth Garda Station (RPS B06-49) and Buckley House (RPS BO6-11) and would contravene policies PS2 and PS3 of the Kildare County Development Plan 2017-2023.
3. The proposed development would constitute an unduly prominent and obtrusive feature in the streetscape of Maynooth Town Centre and contribute to the creation of visual clutter on the street. As such the proposed development would contravene objective BH4 of the Maynooth Local Area Plan 2013 which seeks to protect and preserve views to and from Maynooth Castle (KD00113), Maynooth Garda Station (RPS B06-49) and Buckley House (RPS BO6-11).
4. The design of the proposed kiosk is considered excessive in size relative to its function and 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 prominent location of the proposed development within the Maynooth Architectural Conservation Area (ACA), its proximity to Protected Structures and the Council's policies relating to signage, advertising, and tourism information.

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 of permission as it would significantly detract from the town centre and not enhance the public realm.

Conservation Officer – Recommends refusal of permission on the basis it would be injurious to the special character of Maynooth ACA and the historic setting of nearby Protected Structures.

4.1.3. Prescribed Bodies

None.

4.1.4. Third Party Observations

None.

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 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 Protected Structures (Section 11.15):
 - AH P6: Protect, conserve and manage the archaeological and architectural heritage of the county and to encourage sensitive sustainable development in order to ensure its survival, protection and maintenance for future generations.
 - AH O32: Ensure that new development will not adversely impact on the setting of a Protected Structure or obscure established views of its principal elevations.
- In relation to Architectural Heritage the Development Plan defines the boundaries of ACAs for various towns including Maynooth (as shown on Map VI-1.10) and the following related policy objectives are set out in Section 11.18:
 - AH O65: Ensure that any development, modifications, alterations, or extensions within an ACA are sited and designed appropriately and are not detrimental to the character of the structure or to its setting or the general character of the ACA and are in keeping with any Architectural Conservation Area Statement of Character Guidance Documents prepared for the relevant ACA.
 - AH O66: Ensure that all planning applications for new developments within or immediately contiguous to an ACA include an Architectural Heritage Impact Assessment and Design Rationale addressing design considerations such as urban structure and grain, density and mix, scale, height, materials, landscape, views and landmarks and historic development.

- 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. **Maynooth Local Area Plan 2013 – 2019**

The Maynooth Local Area Plan 2013 – 2019 LAP has now expired, and Kildare and Meath County Council have commenced the preparation of a joint LAP for Maynooth and its environs (Maynooth Local Area Plan 2024 – 2030). The policies and objectives of the 2013 – 2019 LAP are considered for context.

In the 2013 – 2019 LAP, the subject site is zoned 'A1 and A2 – Town Centre' with the objective 'to provide for the development and improvement of appropriate town centre uses including retail, office, residential, amenity and civic uses'. The purpose of the zone is to protect and enhance the special character of Maynooth town centre.

Section 7.4 of the LAP acknowledges that Main Street is a particularly good example of 18th century town planning and the strategy for the town centre includes realising

the opportunity to utilise the Main Street with its strong sense of place, character, and culture as a tool to strengthen the town core.

Section 7.10 of the LAP addresses Architectural, Archaeological and Natural Heritage. The town centre is designated as a proposed Architectural Conservation Area (ACA). The LAP includes at Map 4(a) Views & Prospects to be Preserved; it also includes a policy objective (BH 4) to protect and preserve the views to and from RPS structures in Maynooth.

6.3. Natural Heritage Designations

The nearest European site is Rye Water Valley/Carton (SAC) Code 001398 which is located approximately 1.4km northeast of the subject site.

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 that are relevant to the proposed development from the Kildare County Development Plan, Kildare County Council Corporate plan, County Kildare Access Strategy and Maynooth LAP which support development and provision of services for communities.
- In relation to the ACA the applicant contends that the newly designed information hub is more appropriate and therefore successful than the present

installation and that the new proposal manages the transition successfully to new technology which will enhance use of the public realm.

- The applicant also stated that the kiosk was of a design developed for Ireland.

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, having regard to its location in the historic town centre of Maynooth (an ACA) and particularly in an area identified as a protected view within sight of Maynooth Castle. It considers the proposed new kiosk would be an inappropriate addition to the streetscape at the proposed location.

8.0 Assessment

Having examined the application details and all other documentation on file, 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
- Architectural Heritage & Visual Amenity
- Signage & Visual Amenity
- Design & Historical Context

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 insofar as the act of removing the existing telephone boxes would improve the physical fabric and environment of this part of Maynooth 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. Architectural Heritage & Visual Amenity

- 8.2.1. In designating Maynooth Town Centre as an ACA, Kildare County Council has recognised and made explicit provision for protecting its special historic and architectural character. Policy AH O65 of the Development Plan requires any development within or affecting the ACA to be sited and designed appropriately and to not be detrimental to the general character and appearance of the ACA.
- 8.2.2. An important aspect of the underlying character of the Maynooth ACA is the formal axis of Main Street extending from St. Patrick's College (Maynooth College) to the Carton Estate which is acknowledged as being one of the finest examples of 18th century urban and landscape design and 'town planning' in the country. Another important aspect of the underlying character of the ACA is Maynooth Castle (a National Monument (Ref No. 485) / KD00113) around which the original town developed in the 12th Century. The proposed development is where both historical character areas (18th Century and 12th Century) can be appreciated. Protected Structures in the immediate vicinity include Maynooth Garda Station (RPS B05-49/NIAH Ref 11803049) and Buckley House (B06-11/NIAH Ref. 11803050). The proposed development would be located on the public pavement which runs along /

in front of the curtilage of both properties, which are defined by a low plinth wall and railings.

- 8.2.3. I acknowledge the location of the two existing telephone boxes to be replaced as already being located within the ACA; I also note and applicants' decision to reposition to new kiosk to the south-west. It is stated in the appeal documentation that this was to lessen the view of the proposed structure from Mill Street, so that the existing tree would obscure the view of the proposed development from Main Street. There is some validity to this argument when considering the location of the existing kiosks, in particular relating to the view from Mill Street. However, the new location can also be considered as a more prominent position on the pavement closer to the public road, in front of the tree therefore maximising its visibility to vehicles entering the town from the west (via Parson Street).
- 8.2.4. I consider this part of Maynooth to be especially sensitive as it transitions from the entrance of St. Patrick's Collage, past Maynooth Castle and onto the 18th Century Main Street axis. I consider this is reflected in the concentration of Views and Prospects to the Preserved in the 2013- 2019 LAP. The quality of the public realm is a key aspect of a journey through the area characterised by amongst other things low plinth walls and railings defining properties, trees defining the Main Street axis (identified as trees of special amenity value in the 2013- 2019 LAP) and lamp standards.
- 8.2.5. The Architectural Heritage Impact Assessment which accompanies the application provides some historical context for Maynooth and the nearby Protected Structures, and concludes that the proposed upgrade is a *“reasonable and proportionate example of renewal in a village where the underuse of obsolete infrastructure could lead to dereliction and pose a threat to public amenity”* and *“successfully manages the transition to new technology that will enhance the use of the public realm”*. The focus of the assessment is on recording the existing telephone boxes and evaluating the proposed use; however, it fails to address or assess the key heritage issue, namely if / how the proposed kiosk structure itself will impact on the general character and appearance of the Maynooth ACA and the nearby Protected Structures.

- 8.2.6. I consider the proposed development introduces a distracting interface between the public realm and public roadway which is not only distracting in itself (incorporating a LCD advertising display panel) but also to the backdrop of the trees defining the Main Street axis and the buildings along this part of Maynooth Main Street (which are Protected Structures). This is particularly evident when viewed from the west. However, it also directly impacts on the view of Maynooth Castle from the pavement along the side of the Garda Station (from the east).
- 8.2.7. The Development Plan sees development within the ACA as an opportunity to build upon its existing character and achieving a distinct sense of place through the selection of appropriate street furniture, signage materials etc. However, there is no evidence that the applicant has sought to investigate or take any inspiration from the local historical context to inform or in any way influence the design of the proposed development.
- 8.2.8. 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 location, design and materials used, and large digital advertising display; it is uncompromisingly modern. There are locations where such a modern design may be acceptable; however, I do not consider it appropriate or acceptable in the 12th Century (Maynooth Castle) and 18th Century (Main Street urban and landscape design) context of this part of Maynooth. In my view the proposed development would introduce a discordant element into these sensitive surroundings, detracting from its architectural heritage, public realm and the general character of the area.
- 8.2.9. I therefore consider that the proposed development is contrary to Policy Objectives EC O79, EC O80 and AH O65 of the Development Plan.

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 should not be permitted within an ACA or close to a Protected Structure.

8.3.3. The large digital advertising screen which dominates the western elevation is clearly an integral part of the design of the kiosk and its location and orientation within the public pavement is to maximise its visibility to passing traffic. While 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, I nevertheless consider it remains a discordant and modern form of advertising which in this location will detract from the visual amenities of the area and contribute to visual clutter within the sensitive public realm of the Main Street of an ACA and in close proximity to Protected Structures.

8.3.4. I consider Kildare County Council to have a proactive policy approach to signage and has carefully considered the nature of advertising in sensitive locations such as ACAs and close to Protected Structures as set out in Table 15.10 of the Development Plan. I consider that the proposed development would be at variance with this policy and would introduce a discordant and inappropriate form of advertising into a sensitive historic setting, would detract from the visual amenities of Protected Structures in the area and would contribute to visual clutter within the public realm.

8.3.5. I therefore consider that the proposed development is contrary to Policy Objective AH P6, AH O32, AH O65 and Section 15.15 of the Development Plan.

8.4. Design & Historical Context

8.4.1. I have reviewed and considered the concern of the Planning Authority and the response of the applicant 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). As stated previously, it is not surprising that this design approach seeks to incorporate multi-functional digital display technology and presents opportunities vis-à-vis wayfinding / mapping, displaying tourism information and promoting local events.

- 8.4.3. I consider that there may be suitable opportunities for this design, including an advertising element in other locations. However, when dealing with sensitive locations such as an ACA, where it is an objective to protect its special historic and architectural character, a standard design approach is not an appropriate response. Furthermore, the introduction of the digital advertising element requires careful consideration from a visual amenity perspective insofar as it has influenced the kiosk design. Not only must the proposed development demonstrate that it will not negatively impact on the historical character and visual amenity of the ACA, but it also should positively contribute and enhance Main Street with its strong sense of place, and historic character.
- 8.4.4. While the new kiosk may have a smaller footprint to the existing two telephone boxes, it is only providing one communication unit. I consider the design of the proposed kiosk to be driven by the advertising display function and not the telecommunication function. This has determined the size, form, and physicality of the structure. It is not a high-quality design solution for this location, and it will not positively contribute or enhance its surroundings. Rather, when combined with its perpendicular position across the public pavement it will seriously injure the visual amenities of the area, detract from the ambience and quality of the public realm and result in visual and urban clutter which will detract from the historic character of the streetscape.
- 8.4.5. I therefore consider the proposed development to not comply with Policy Objective AH O65 of the Development Plan.

8.1 Safety (New Issue)

- 8.4.6. I note that along this part of Main Street a cycle way is demarcated within the public pavement. It starts at the junction of Main Street with Mill Street / Leinster Street and runs between both the existing and proposed telephone kiosks and existing tree and the railings defining the building line to the south, before it makes a right angle turn and ends, linking back to the Main Street. The repositioned new kiosk is to be located within limited space between the tree and where the cycle route makes its right-angle turn.
- 8.4.7. In my view the proposal would give rise to unnecessary clutter at this location and would detract from and impede both cyclist and pedestrian movement at this location

and would therefore be injurious to amenity and safety and would therefore be contrary to the proper planning and sustainable development of the area.

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 foregoing I recommend refusal for the following reasons and considerations.

11.0 Reasons and Considerations

The site is at a prominent location along Main Street, Maynooth within a designated Architectural Conservation Area. Having regard to the content of the Kildare County Development Plan 2023 - 2029 including objectives AH O65, AH O32, AH O65 and Section 15.15, and the overall sensitive historical and visual context of the immediate area, it is considered that the proposed development, in particular the digital advertising element, by reason of its form, scale and design would constitute a visually discordant feature, would materially affect the character and visual amenities of the Maynooth Architectural Conservation Area, detract from views of Protected Structures and would impede both cyclist and 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