



An  
Bord  
Pleanála

## Inspector's Report ABP315029-22

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<b>Development</b>	Replacement of existing telephone kiosks
<b>Location</b>	Near The Embassy Takeaway, Main Street, Celbridge, Co. Kildare
<b>Planning Authority</b>	Kildare County Council.
<b>Planning Authority Reg. Ref.</b>	22/1019
<b>Applicant(s)</b>	Eircom Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party vs. Refusal
<b>Appellant(s)</b>	Eircom Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> April 2023
<b>Inspector</b>	Leah Kenny

## 1.0 Site Location and Description

The proposed development is located within Celbridge town centre on the public pavement near the Embassy Grill on the eastern side of Main Street, Celbridge Co. Kildare.

The existing double phone box which is to be replaced is located approximately 3.5m to the north. The location of the repositioned telephone kiosk is on a wider area of pavement which defines the vehicular access / egress to the parking area to the rear of the Embassy Grill. Other street furniture in the immediate area includes bollards and a litter box.

## 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 1.53m<sup>2</sup> is on the southern elevation of the kiosk. A proposed CCI micro pillar is proposed at the back of the footpath to the north adjacent to an existing ESB mini pillar. 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 13<sup>th</sup> 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 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 would constitute an unduly prominent and obtrusive feature in the streetscape of Celbridge Town Centre (a proposed Architectural Area), would contribute to the creation of visual clutter on the street and would not present a positive edge to the public roadway. As such it would be contrary to the provisions of the Celbridge Local Area Plan 2017 – 2023.
3. 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 proposed Celbridge Architectural Conservation Area (ACA), 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 Celbridge ACA.

### **4.1.3. Prescribed Bodies**

None.

#### 4.1.4. **Third Party Observations**

There was one third party submission objecting to the proposed development. While supportive of upgrading the existing telephone boxes, the observer considered the digital advertising display inappropriate within the ACA, and the repositioning of the kiosk would make it a more prominent feature in the town having a negative impact on visual amenity, built heritage and 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 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 boundaries of ACAs for various towns have been defined, including Celbridge (as shown on Map VI -11.10) 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. Celbridge Local Area Plan 2017 - 2023

One of the strategic objectives of the LAP is to protect and enhance the unique built and natural heritage as the defining character of Celbridge and a pillar for sustainable growth, by promoting the enhancement, management and understanding of these assets.

The appeal site is zoned 'A – Town Centre' with the objective 'to protect, improve and provide for the future development of town centres'.

The LAP includes the following relevant policies and objectives:

- EDO2.9: To support the development of standardised signage and interpretation for tourism facilities and tourist attractions throughout Celbridge.
- BHO3.7: To reduce and prevent visual and urban clutter within the proposed ACA's including where appropriate, traffic management structures, utility structures and all signage.
- PRO1.1: To ensure that all new development in the town centre and in neighbourhood centres contributes positively to and enhances the streetscape and public realm and presents a positive edge to streets and the public roadway.

- RO2.2: To ensure that new signage contributes positively to and enhances the streetscape in accordance with the guidance set out in the Kildare County Council Policy on signage (April 2013).
- BHO3.3: To ensure that new development including infill development, extensions and renovation works within or adjacent to the ACA's preserve and enhance the special character and visual setting of the ACA including views and vistas, streetscapes, building lines, fenestration patterns and architectural features.

### 6.3. Natural Heritage Designations

The nearest European site is Rye Water Valley/Carton (SAC) Code 001398 which is located approximately 4.2km north 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 Celbridge 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 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, having regard to its location in the historic town centre of Celbridge (an ACA) where particular consideration needs to be given to the layout of Main Street and Castletown House. 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
- 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 and



Celbridge Local Area Plan insofar as the act of removing the existing telephone boxes would improve the physical fabric and environment of this part of Celbridge 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 Celbridge 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. A key aspect of the underlying character of Celbridge ACA is the established building line of Main Street. While the historic building line of the eastern side of the street is less defined than on the western side, it includes some of the more significant historic buildings. Those in the vicinity of the proposed development include Kildrought House (RPS B11-23 / NIAH Ref 11805062) and the old Court House (NIAH Ref. 11805033) to the north; and the Laurels (RPS B11-27 / NIAH Ref 11805035) located to the south.
- 8.2.3. While I acknowledge the location of the two existing telephone boxes to be replaced as already being located within the ACA; I note the applicants do not provide any

justification for the repositioning of the new kiosk to a more prominent position on the pavement from an architectural heritage perspective. Presumably increasing its prominence and visibility to people on both the pavement and in passing vehicles, was a key determining factor. I consider the proposed kiosk and its new position as introducing 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 buildings along Celbridge Main Street, in particular when viewed from the south. While the proposed kiosk would not directly obscure established views of the principal elevations of the nearby Protected Structures, it does infringe on, and detract from, the historic streetscape of Main Street.

- 8.2.4. The Architectural Heritage Impact Assessment which accompanies the application, 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 ACA.
- 8.2.5. 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.
- 8.2.6. 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 both a standard design and uncompromisingly modern. There are locations where this may be acceptable; however, Celbridge Main Street has a very distinctive Georgian streetscape, and in my view the proposed development would introduce a discordant element into these sensitive surroundings, detracting from its architectural heritage, undermining the

quality and ambience of the public realm and injuring the historical character of the area.

- 8.2.7. I therefore consider that the proposed development is contrary to Policy Objective EC O79, EC O80 and AH O65 of the Development Plan and Policy Objectives BHO3.7 and PRO1.1 of the Celbridge LAP.

### 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 advertisement screen which dominates the southern 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. 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 in a prominent position on the public footpath in an ACA.
- 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 as set out in Table 15.10. 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 buildings in the area and would contribute to visual clutter within the public realm of the Main Street.

8.3.5. I therefore consider that the proposed development is contrary to Policy Objective AH P6, AH O65 and Section 15.15 of the Development Plan and Policy Objective EDO2.9, BHO3.7, PRO1.1 and RO2.2 of the Celbridge LAP.

#### 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 'Telefón' boxes rolled out across the country in the mid to late 20<sup>th</sup> 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. I consider there may be suitable opportunities for this particular standard design in some locations. However, when dealing with a sensitive location such as an ACA, a standard design is not an appropriate response.

8.4.3. Furthermore, the introduction of the digital advertising element requires careful consideration from a visual amenity perspective as far as it has influenced the kiosk design and size, and whether it is appropriate within a sensitive historical context. In this regard, the proposed development needs to demonstrate that it will not negatively impact on the historical character and visual amenity of the ACA, but more importantly that it will positively contribute and enhance the public realm and its surroundings.

8.4.4. 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 and Policy Objective PRO1.1, RO2.2, BHO3.3 of the Celbridge LAP.

## **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, Celbridge within a designated Architectural Conservation Area. Having regard to the content of the Kildare County Development Plan 2023 - 2029 including objectives AH O65 and Section 15.15; the content of the Celbridge Local Area Plan 2017 – 2023 including objectives BHO3.3, BHO3.7, PRO1.1 and RO2.2; and the overall visual and historical context of the area it is considered that the proposed development, by reason of its form, scale and design (including digital advertising display) would constitute a visually discordant feature, would materially affect the character of the Celbridge Architectural Conservation Area, and would seriously injure the visual amenities of the area. 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.**

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Leah Kenny  
Planning Inspector

7<sup>th</sup> June 2023