



An
Bord
Pleanála

Inspector's Report

ABP-317402-23

Development

The construction of an extension to the existing car show room, proposed signage, modifications to the existing building, carpark, storm and foul drainage networks and all associated site works.

Location

Southern Link Business Park,
Jigginstown, Newbridge Road, Naas,
Co. Kildare

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

23349

Applicant

Brimbay LTD T/A Sheehy Ltd.

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

First Party v Condition(s)

Appellant

Brimbay LTD T/A Sheehy Ltd.

Observer

None

Date of Site Inspection

2nd September 2023

Inspector

Ian Campbell

1.0 Site Location and Description

1.1. The appeal accommodates a car dealership (VW, Audi, Skoda) and is located on the northern side of the R445/Newbridge Road, c. 2 km west from the centre Nass, at Southern Links Business Park. The appeal site fronts onto the Newbridge Road/R445 and is bound to the east and north by the internal road serving the Southern Links Business Park.

2.0 Proposed Development

2.1. The development description contained in the public notices refers to the proposed development as comprising –

‘Construction of an extension to the existing car show room, proposed signage, along with modifications to the existing building, carpark, storm and foul drainage networks and all associated site works’.

2.2. The signage element of the proposal comprises;

- 1 no. back-lit sign displaying the name of the dealership ‘Sheehy Motors’ on the side/east elevation of the proposed extension.
- 2 no. back-lit signs displaying the Cupra symbol and lettering on front/south and side/east elevation of the proposed extension.
- 1 no. illuminated, double sided, ‘pylon’/totem sign (6 metres (Height) x c. 1.9 metres (Width) x c. 0.2 metres (Depth)) finished in light grey in colour, located to the side/east of the extension.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to GRANT permission on the 25th May 2023 subject to 15 no. conditions.

Condition No. 2 , the subject of this appeal, states;

C 2 (a) *The proposed totem sign shall be omitted.*

(b) The proposed sign on the front façade shall not be internally illuminated. There shall be no illuminated signage.

(c) No advertising sign(s) or structure(s) (including any signs installed to be visible through windows), banners, canopies, flags, or other projecting elements shall be erected except those, which are exempted development, without the prior approval of the Planning Authority or An Bord Pleanála on appeal.

Reason: In the interest of visual amenity, compliance with development plan policies and the proper planning and sustainable development of the area.

This appeal relates to (a) and (b) only.

3.2. Planning Authority Reports

3.2.1. Planning Report

The report of the Planning Officer notes the following:

- The proposed totem sign would contravene Section 15.15 of the Kildare County Development Plan 2023-2029 which states that totem signs are generally not permitted where nameplate signage on a façade of a building is sufficient in scale and design and clearly visible from a public road.
- There is a limit of 1 no. totem sign per site and given the existing signage in place on the site, the proposed totem sign would lead to a proliferation of advertising structures, in addition to the internal illumination.

The report of the Planning Officer recommends a grant of permission consistent with the Notification of Decision which issued.

3.2.2. Other Technical Reports

Water Services – standard condition recommended.

Environment Section – standard conditions recommended.

Municipal District Engineer – standard conditions recommended.

Transport, Mobility and Open Spaces Department – recommends Further Information in respect of entrance detail, bicycle parking, staff welfare facilities and acoustic design statement.

Building Control – no comments made.

3.3. **Prescribed Bodies**

Irish Water (now Uisce Éireann) – standard conditions recommended.

National Roads Office (NRO) – No objection.

3.4. **Third Party Observations**

None received.

4.0 **Planning History**

Appeal Site

PA. Ref. 18/575 – Permission GRANTED for carwash extension and relocation of previously approved pedestrian gate.

PA. Ref. 14/561 – Permission GRANTED for alterations to front and side façades of Skoda showroom, extension to form new customer entrance and illuminated signage to front façade,

PA. Ref. 11/5000095 – Permission GRANTED for two storey extension to showroom, freestanding and attached building signage.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The Kildare County Development Plan 2023-2029 is the relevant Development Plan. The appeal site is not subject to any specific land-use zoning under the Kildare County Development Plan 2023-2029. The provisions of the Kildare County Development Plan 2023 - 2029 relevant to this assessment are as follows:

- Section 15.15 (Advertising and Signage)

5.1.2. The Nass Local Area Plan 2021-2027 provides land-use zonings for the settlement of Nass under which the appeal site is zoned 'H'-Industry and Warehousing 'to provide for industry, manufacturing, distribution and warehousing'¹.

5.2. **Natural Heritage Designations**

Grand Canal pNHA (Site Code 002104) – c. 70 metres south.

5.3. **EIA Screening**

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, 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**

This is a first-party appeal against Condition No. 2 (a) and (b) of the Planning Authorities Notification of Decision to Grant Permission.

Condition no. 2 (a) omitted the totem signage which was proposed along the eastern boundary of the site. Condition 2 (b) stipulated that signage on the front façade shall not be internally illuminated, and that there shall be no illuminated signage.

The grounds for appeal can be summarised as follows;

¹ Note: Where employment is a high generator of traffic, the location of new employment facilities at an appropriate scale, density and location will be encouraged to reduce the demands for vehicular travel.

- Each franchise (i.e. Audi, VW Passenger, VW Commercial and Skoda) has a pylon sign, which is a franchise requirement for corporate branding. Each showroom building also has an illuminated building sign and dealer name sign.
- It is requested that the Board omits Condition No.2 (a) and (b) so that each franchise has equal branding along the boundary and illuminated building signage on the front elevation to match the existing.

6.2. **Planning Authority Response**

A submission has been received from the Planning Authority stating that it has no further observations to make.

6.3. **Observations**

None received.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Scope of Appeal
- Condition No. 2 (a) and (b) - subject of appeal
- Appropriate Assessment

7.2. **Scope of Appeal**

7.2.1. The proposed development entails an extension to an existing car showroom located within a business park. I am satisfied that the scale and design of the proposal is acceptable at this location. I similarly consider the proposal to be acceptable in terms of drainage and access. I note the report of the Transport, Mobility and Open Spaces Department which recommends that further information is sought, however I note that the proposal does not entail any significant amendments to the access arrangement for the site. Having regard to the nature and scale of the proposed development and

to the nature of Condition No. 2 (a) and (b) it is considered that a *de novo* assessment would not be warranted in this instance. Therefore, the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act, 2000, as amended.

7.3. Condition No. 2 (a) and (b) – subject of appeal

- 7.3.1. Condition No. 2 (a) of the Notification of Decision to Grant Permission made by Kildare County Council requires that *'the proposed totem sign is omitted'*, and Condition 2 (b) stipulates that *'the proposed sign on the front façade shall not be internally illuminated. There shall be no illuminated signage'*. The rationale for omitting the totem sign is based on Section 15.15 of the Kildare County Development Plan 2023 – 2029, which provides that totem signs are *'not generally permitted where nameplate signage on a façade of a building is sufficient in scale and design and clearly visible from a public road'*. Under the heading of 'design criteria' Section 15.15 states *'limit of 1 no. Totem Sign per specific site. Must be high quality material/finish. Position of sign should not interfere with vehicular and pedestrian sightlines'*.
- 7.3.2. In respect of Condition 2 (a), I note that the appeal site is served by 4 no. totem signs along the front site boundary with the R445. The proposal entails a fifth sign to the side/east of the site. In addition, there is a proliferation of vertical structures to the front of the appeal site along the boundary with the R445, including totem signs, flagpoles and lighting columns which cumulatively results in visual clutter, detracts from the amenity of an area, and has the potential to cause distraction to road users. In my view the existing premises is well served by totem signage and the requirement for the proposed totem sign along the eastern boundary of the site appears to arise from franchise requirements, as distinct from the need to identify the particular marque of car sold at the premises, which in my opinion can be adequately communicated through the proposed façade signage on the front and side elevations of the extension. As part of the proposed development I note that an existing totem sign on the front boundary of the site could have been redesigned to include Cupra, thereby eliminating the requirement for additional totem signage however the applicant opted for an additional totem sign. Having regard to the forgoing the requirement of Condition 2 (a) is warranted in this instance.

7.3.3. Regarding Condition 2 (b), the prohibition of internally illuminated signage on the front elevation, and of illuminated signage in general, I note that the sign displaying the dealership name and the 2 no. Cupra symbol signs are indicated as being 'back-lit'. Section 15.15 of the Kildare County Development Plan 2023-2029 states that back-lit signs are 'generally appropriate', subject to the lettering being less than 400mm in height. Elsewhere Section 15.15 refers to other signage such as fascia and box signs and states that this type of signage should 'not be internally illuminated'. Having considered Section 15.15, and the design of the Cupra signage and the dealership signage, I consider that these proposed signs, being back-lit, as distinct from internally illuminated comply with the specific design requirements set out in Section 15.15 of the Kildare County Development Plan 2023-2029. However the wording of Condition No. 2 (b), prohibits all illuminated signage does not differentiate between 'back-lit' signage and 'internally illuminated' signage as is the case in Section 15.15. In my opinion the requirement of Condition 2 (b) is not warranted in this instance, as the signage proposed is back-lit and letters less than 400 mm in height and therefore accords with Section 15.15.

7.4. **Appropriate Assessment**

7.4.1. Having regard to the nature and limited scale of the proposed development and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 **Recommendation**

8.1. I recommend that the Planning Authority be directed to ATTACH Condition 2 (a) and to REMOVE Condition No. 2 (b).

9.0 **Reasons and Considerations**

1. Having regard to the nature of the condition which is the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant

application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs Kildare County Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to –

(i) ATTACH Condition No. 2 (a) for the reason as follows:

Having regard to the provisions of the Kildare County Development Plan 2023-2029, in particular Section 15.15, and to the existing level of signage serving the premises, the proposal for an additional totem sign would result in the creation of visual clutter through the proliferation of vertical structures around the boundary of the appeal site, detracting from the amenity of an area. The development would, therefore, be contrary to the proper planning and sustainable development of the area. Condition No. 2 (a) of the Planning Authorities Notification to Grant Permission, is therefore warranted

(ii) REMOVE Condition No. 2 (b) for the reason as follows:

Having regard to the provisions of the Kildare County Development Plan 2023-2029, in particular Section 15.15, which states that back-lit signs are 'generally appropriate', subject to the lettering being less than 400mm in height, and to the nature and design of the proposed signage on the façade of the proposed extension, consisting of back-lit signage with lettering less than 400mm, the proposed façade signage accords with Section 15.15 of the Kildare County Development Plan 2023-2029, would not detract from the visual amenity of the area and would be in accordance with the proper planning and sustainable development of the area. Condition No. 2 (b) of the Planning Authorities Notification to Grant Permission, is therefore not warranted.

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.

Ian Campbell
Planning Inspector

5th September 2023