



An
Bord
Pleanála

Inspector's Report

ABP-316388-23

Development	Erection of one non-illuminated gable Aldi sign (3 square metres) on the southern elevation of the existing supermarket building and all associated site works.
Location	Bury Street and Teeling Street, Ballina, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	23/52
Applicant(s)	Aldi Stores (Ireland) Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v. Decision
Appellant(s)	(1) Edward and Janet Bourke (2) Noel White
Observer(s)	None
Date of Site Inspection	5 th day of June 2024
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1. The appeal site comprises an established and permitted Aldi Supermarket that has active frontages including illuminated and non-illuminated signage onto Bury Street and Teeling Street, which are connected via Market Lane, all within the retail core area in the centre of Ballina. There is a surface car park which serves the supermarket within the northern portion of the site. Access to the surface car park is via Teeling Street to the west of the site and Market Lane to the east. Bury Street is located to the south of the site. There are several other commercial premises located east of the appeal site along Market Lane and a number of established detached two storey residential properties located along Bury Street, on the opposite side of the street to the supermarket.

2.0 Proposed Development

- 2.1. It is proposed to erect one non-illuminated gable Aldi sign, with a surface area of 3 square metres on the southern elevation of the existing supermarket facing onto Bury Street and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted subject to six conditions. The following are considered to be the pertinent conditions:

Condition Number 2: No further signage shall be erected within the appeal site. The glazed area shall be kept free of stickers, posters, decals and advertisements.

Condition number 4: Construction work associated with the development shall be restricted to between 8am and 6pm Monday to Friday and 8am and 1pm on a Saturday.

Condition number 6: Development Contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner recommended that planning permission be granted subject to conditions.

Other Technical Reports

- Municipal District Engineer: No objection, subject to condition

3.3. Prescribed Bodies

Not referred to any of the prescribed bodies.

3.4 Observations:

Three observations were received from residents of Bury Street who raised the following issues:

- Impact upon residential amenity of residents of Bury Street.
- Visual clutter.
- Impact upon character of the streetscape.
- Proposal would affect the value of neighbouring properties.
- Adversely impact upon architectural heritage and contravene policies of the Mayo County Development Plan and the Ballina and Environs Development Plan 2009-2015 (as extended).
- Adverse impact upon protected structures.
- Impact upon protected trees.
- There is already sufficient signage serving the Aldi supermarket.
- A double-sided illuminated sign was recently refused planning permission on the site by Mayo County Council.

4.0 Planning History

Subject Site:

Planning Authority reference number 22/1023. In 2023, planning permission was refused for the erection of one free standing illuminated double sided sign and

associated site works. The reasons for refusal related to: Contravening condition number 3 of planning reference 20/316 in terms of agreeing additional signage proposals with the Municipal District Architect and that the free standing signage was not in scale and harmony with the surrounding environment.

Planning Authority reference number 20/316. In 2021, planning permission was granted for the demolition of derelict buildings including the former Deanwood Hotel and the construction of a single storey foodstore, including an off-licence with a gross floor area of 1,803 square metres, net retail area of 1,315 square metres accessed from Bury and Teeling Streets with 80 surface car parking spaces, including the erection of two free standing illuminated double sided signs, three illuminated gable signs, one non-illuminated entrance sign and one non-illuminated welcome external wall sign, upgrade to existing laneway from Teeling Street, provision of connection to a car park, ESB substation, landscaping, boundary treatment, site development works and a trolley bay and connections to existing services and all ancillary site works to facilitate the development.

5.0 Policy Context

5.1. Draft Ballina Local Area Plan 2024-2030

5.1.1 On the 17th day of April 2024, Councillors considered the Draft Ballina Local Area Plan 2024-2030 and the Chief Executives report on submissions received during the public consultation period. A number of Material Alterations were proposed. it was considered that a number of the proposed material alterations would need to be environmentally assessed. The public consultation on Proposed Material Alterations is due to go on display from the 18th day of June 2024 for a period of 4 weeks.

5.1.2 The appeal site has the benefit of a TCI-Town Centre Inner land use zoning objective where supermarket development is permitted in principle. This zoning

objective is 'To maintain and enhance the vitality, viability and environment of the town centre and provide for appropriate town centre uses.'

Section 5.6.2 of the Draft LAP sets out the following in relation to Inner and Outer retail areas, Mayo County Council through this Plan will seek to protect and improve its vibrancy and vitality.

The following specific objective is considered relevant to the current proposal:

EDO 6 Ensure that new shop front and signage design contributes positively to and enhances the streetscape and is in accordance with the guidance set out in The Development Management Standards of the Mayo County Development Plan 2022-2028 and as set out in the Mayo Shopfronts Booklet (Mayo County Council).

5.2. Mayo County Development Plan, 2022-2028

The following is set out within the Development Plan in relation to development within the settlement boundaries of Ballina, Castlebar and Westport Development Plans:

The Mayo County Development Plan (MCDP) 2022-28 is the relevant Development Plan in this case, in particular policy objective SSO13 applies which states that: The land use zoning provisions of the existing town and environs development plans for Ballina, Castlebar and Westport shall continue to be implemented on an interim basis until such time as the Local Area Plans are adopted for these towns. whilst also having regard to any draft local area plan, and subject to compliance with the provisions of the MCDP, including the Core Strategy housing targets. The town and environs development plans for Ballina, Castlebar and Westport were the last expression of policy by the elected members of Mayo County Council in this regard.

In terms of Architectural Heritage, the appeal site is not identified as a protected structure, is not located within an Architectural Conservation Area and not within an area of archaeological significance.

Section 4.4.6 of the Plan pertains to retail development. Among the relevant retail policy and objectives are:

EDP 10: To support the vitality and viability of existing town and village centres.

EDO 44 To ensure proposals for retail development in towns and villages make a positive contribution to the general townscape.

Volume 2 of the Development Plan pertains to Development Management Standards.

Section 5.2.1 pertains to Retail and Commercial uses.

It sets out that retail proposals shall: Be of a high design standard and satisfactorily integrated with the surrounding built environment.

Section 5.6 pertains to shopfronts where the following is set out in relation to signage:

Signage shall be limited in size, and to the area above the shop window. The signage fascia shall consist of individual letters mounted, or hand painted lettering. Lettering may be lit by strip or recessed spot lighting concealed within a cornice located above the lettering. Colour schemes shall be submitted as part of the planning application. The use of plastic and neon lit shop signs will not be considered.

5.3. Natural Heritage Designations

The appeal site is not located within any European Site. The nearest European sites are the River Moy SAC (site code 002298), is located approximately 220 metres east of the appeal site and Killala Bay/Moy Estuary SAC (site code 000458) is located approximately 500 metres north-east of the appeal site and the Killala Bay/Moy Estuary SPA (site code 004036) is located approximately 2.6 kilometres northeast of appeal site.

The Killala Bay/Moy Estuary proposed Natural Heritage Area (pNHA) (site code 000458) is located approximately 55 metres north-east of the appeal site.

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

Two third-party appeals against the Planning Authority's decision to grant planning permission were received. The appeals were received from neighbouring residents who reside along Bury Street and the content of the appeal submissions will be addressed below:

6.2 Third party appeal by Mr Noel White outlined the following issues:

- That there is a discrepancy between the type of signage sought (non-illuminated) by the applicants and the type of signage conditioned by the Planning Authority under condition number two.
- The applicants did not seek to erect illuminated signage as per the details submitted within their planning documentation.
- The Planning Authority have not afforded interested parties the opportunity to comment on a different proposal, relating to illuminated signage.

- The dwellings opposite the appeal site are included within the National Inventory of Architectural Heritage and two structures further along Bury Street are designated as protected structures.
- The illuminated signage would contravene the provisions of the Ballina and Environs Development Plan.

6.3 A third party appeal by Edward and Janet Bourke outlined the following issues:

- There are already three signs on the Aldi supermarket store.
- The sign would contravene objectives set out within the Ballina and Environs Plan 2009-2015 (as extended) and those included within the Mayo County Development Plan 2022-2028.
- Section 5.2.1 of the Development Pan sets out that commercial interests may be required to restrain the use of corporate image advertising where it is considered to be too dominant.
- Section 7.14 of the Plan sets out that the colour, form and finish of all signage shall be compatible with the colours and materials used in the building forms.
- That there is a discrepancy between the type of signage sought (non-illuminated) by the applicants and the type of signage conditioned by the Planning Authority under condition number two.
- The applicants did not seek to erect illuminated signage as per the details submitted within their planning documentation.

- The appellant's dwelling is included within the National Inventory of Architectural Heritage (NIAH) and the views from their dwelling would be adversely affected by the signage proposal.
- The proposals could adversely impact the setting of the two protected structures which are located within fifty metres of the proposed signage.
- There are several other properties also designated within the NIAH and protected structures further along Bury Street and the signage proposal shows disregard to DM Standard 2.3.2 regarding suitability of the proposed design solution to the site context. And appraisal of distinctive site character, setting and context.
- No mitigation measures for the protection of bats are included within the current proposals which is disappointing given its proximity to the River Moy SAC.
- The development is located in proximity to the bat boxes which were installed within the mature trees that are located along the front of the supermarket onto Bury Street.
- The lighting from the supermarket would be impactful upon the nocturnal species and the neighbouring residents.
- The Ballina and Environs Development Plan references (RL13) which specifically relates to protecting the trees on Bury Street.
- The signage would breach the provisions of the Ballina signage and shopfront guidelines.
- The design and location of the sign would materially and adversely impact the character of the streetscape and the heritage value of the area.

- The signage proposals would establish an undesirable precedent.
- The signage proposals would adversely impact the value and setting of the appellants' property.

6.4 Planning Authority Response

No comments in relation to the appeal were received from the Planning Authority.

7.0 Assessment

7.1. This is a third-party appeal against the decision of the Planning Authority to permit a three-square metre non-illuminated sign along the southern elevation facing onto Bury Street of an existing established and permitted Aldi Supermarket building. The pertinent issues in this appeal are those raised within the two appeal submissions and are considered to relate to the following:

- Principle of Development
- Design and Layout of Signage
- Architectural Heritage.
- Residential Amenity
- Other Issues
- Appropriate Assessment.

7.2. Principle of Development

7.2.1 The appeal site comprises an established and permitted supermarket which is located in an area which has the benefit of a TCI, town centre inner (commercial) land use zoning objective. The objective on such zoned lands is: To maintain and enhance the vitality, viability and environment of the town centre and provide for appropriate town centre uses. Shops (including supermarkets), along with uses that are considered ancillary to the aforementioned uses are permissible on town centre zoned lands. I consider that the proposed signage would be an ancillary element to the permitted supermarket building. I note that there are already three signs affixed

to the supermarket building, one onto Teeling Street, Market Lane and onto Bury Street. This current proposal relates to the erection of a three-square metre non-illuminated sign facing onto Bury Street.

7.2.2 Section 4.4.6 within the current Mayo County Development sets out the policy in relation to retail development in town and village centre settings and where there is a specific policy, EDP10 to support the viability and vitality of town and village centres. Section 5.6 in Volume 2 (DM Standards) sets out guidance in terms of signage. Specific objective EDO6 in the Draft Ballina LAP also seeks signage design that contributes positively to and enhances the streetscape. I am satisfied that the signage which would be located above existing double emergency exit doors would not constitute a hazard or obstacle for pedestrians or road users or obscure sight distances at a junction or cause undue or necessary distraction to road users. Therefore, I consider that the principle of the signage would be acceptable in this instance, having regard to the policies and objectives as set out within the current Development Plan and Draft Local Area Plan for Ballina.

7.3. Design and Layout

7.3.1 The sign is typical of the corporate signage provided by the Aldi supermarket chain. It would be consistent with the scale, design of the signage already provided on the southern and eastern elevations of the supermarket. It is noted that there is an area of public realm provided immediately outside of the southern supermarket elevation at this location which comprises a paved area with some seating and a number of mature deciduous trees all of which assists in softening the Bury Street streetscape at this location. I consider that the new signage would not compromise the area of public realm, by virtue of its modest scale. I note the previous proposals sought by Aldi under reference 22/1023 was a for a much larger free standing sign within the area of public realm immediately south of the Aldi supermarket building which was not deemed suitable by the town architect by virtue of its scale and form.

7.3.2 I consider that the scale and form of the signage is modest at three square metres and that it would not constitute an incongruous feature within the local streetscape, by virtue of the fact that it will not be unduly visible due to the presence of the mature

trees along the streetscape immediately between the supermarket building and Bury Street. Therefore, I consider the design of the signage in this instance to be discrete and in accordance with the policies of the Development Plan and objectives within the Draft Balina LAP referenced in Section 7.2 above.

7.4. Architectural Heritage

7.4.1 As per the provisions of the Mayo County Development Plan 2022-2028, there are no protected structures within the appeal site boundary, and neither is the appeal site located within an Architectural Conservation Area (ACA). I note that the residential properties located on the opposite side of Bury Street are included within the National Inventory of Architectural Heritage (NIAH) and that there are a number of protected structures located further west along Bury Street.

7.4.2 I acknowledge that no development should result in any adverse impact upon the local architectural heritage. However, in this instance, having regard to the separation distances between the proposed signage and the heritage structures, noting that they are located on the opposite side of a two laned street and the heritage structures have the benefit of a front garden curtilage area, and given the existence of the mature tree planting on the northern side of the Bury Street streetscape, I consider that the signage would not adversely impact upon these structures. I note that the Municipal District Architect outlined no objections to the current signage proposal. Therefore, on balance, I am satisfied that the architectural heritage of these properties on the southern side of Bury Street would not be adversely impacted as a result of the erection of the signage.

7.5. Residential Amenity

7.5.1 The appellants raise the issue of the development adversely impacting their residential amenity. I consider that the proposal as sought for the erection of a three square metre non-illuminated sign will not adversely impact the residential amenity of the residents on the opposite side of Bury Street having regard to the separation distances between the proposed signage and the heritage structures and given the existence of the mature tree planting on the northern side of the Bury Street streetscape. I consider that the residential amenity of the residents on the southern

side of Bury Steet would not be adversely impacted as a result of the erection of the non-illuminated sign.

7.6. Other Issues:

Property Values:

7.6.1 I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Description of Development:

7.6.2 The appellants raised the issue over the description of the development as per the public notices and as set out within the development description within the planners report where there is clear reference to the erection of non-illuminated signage and yet condition number two of the PA's decision references an individual illuminated sign. As part of the final assessment set out within the planners report the Planner has provided for the illumination of the sign during supermarket opening hours. I note that the applicants have sought planning permission for a non-illuminated sign as per the description set out within their public notices and, therefore, this is the development which is being assessed within this appeal. This is a matter that can be addressed by means of an appropriate planning condition.

7.7. **Appropriate Assessment:**

7.6.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 220 metres east of the nearest European site, the River Moy SAC

(site code 002298). The development description was set out with Section 2 of the report above. No nature conservation concerns were raised in the planning appeal.

7.6.2 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows [insert as relevant:

- The modest small scale of the works proposed.
- The separation distance from the nearest European site and the lack of hydrological or ecological connectivity to any Natura 2000 site.
- Taking into account screening determination prepared by the Planning Authority.

7.6.3 I conclude, that on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and, therefore, Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000(as amended) is not required.

8.0 Recommendation

8.1. I recommend that planning permission be granted.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the existing pattern of development in the area and the provisions of the Mayo County Development Plan 2022-2028, specifically Specific objective EDO 44 and Volume 2, Section 5.6 and specific objective EDO 6 within the Draft Ballina Local Area Plan 2024, in relation to signage, it is considered that the modest scale of the non-illuminated sign, would not adversely impact upon this town centre zoned site nor adversely impact the amenities of the neighbouring residents nor adversely impact the local streetscape. I consider that the modest scale and proportions of the sign, would not detract from the architectural and visual amenities of the area nor the

streetscape and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application received on 8th day of February 2023, 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. No advertisement or advertisement structure, other than that submitted on the drawings submitted to the Planning Authority on the 8th day of February 2023 shall be erected or displayed on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

3. The signage, permitted on foot of this appeal shall comprise a non-illuminated three-square metre gable sign.

Reason: In the interest of clarity.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning

authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Fergal Ó Bric

Planning Inspectorate