



An
Bord
Pleanála

Inspector's Report PL16.249226

Development	Extend pharmacist's shop
Location	Market Street, Swinford. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	P17/384
Applicant	Springkeel Ltd
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	First Party vs. Contribution
Appellant	Springkeel Ltd
Observer	None
Date of Site Inspection	15 th November 2017
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

1.1. The site is in the centre of Swinford, Mayo. It has a stated area of 323m², and consists of the narrow plot of a terraced building on Market Street that extends to Pound Lane at the rear. The building on the street frontage has two storeys, and is occupied by a pharmacy with an apartment above. A store was erected behind the terraced building and covers the rest of the site. The floor area of the buildings on the site is given as 430m². Uncontrolled on-street parking is available in the town centre. A car park has also been provided at Pound Lane near the back of the appeal site.

2.0 Proposed Development

2.1. It is proposed to demolish part of the building at the back of the site to provide an open yard. Retail use would be extended over the entire ground floor of the remaining building, with a gift shop and optician's shop as well as a pharmacy. Additional accommodation would be built at first floor level to the rear of the building to provide storage and ancillary facilities. The application form states that 75m² would be demolished and 37m² would be erected in the course of the development.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 5 conditions, none of which significantly altered the proposed development. Condition no. 5 levied a financial contribution as follows-

€357 for amenities

€1,519 for roads

€238 for footpaths

€357 for community open space and recreational facilities

€7,146 for car parking

The reason for the condition referred to the development contribution scheme from 2004, as amended.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report on the initial application recommended that further information be sought about the proposed uses and compliance with the parking standards set out in the development plan. The subsequent report recommended that permission be granted. It contains a section on development contributions which states that the gift shop and optician's are additional uses of 144.7m² and so should be considered equivalent to one dwelling for development contribution purposes. It would require 5 parking spaces, at a standard of 1 space per 25m², which would attract a contribution of €11,910 at €2,382 per space. A handwritten amendment refers to credit for the existing store so that only 2 spaces should be charged for, yielding a contribution of €7,146. The fraction 144.7/65 appears in the amendment.

3.2.2. Other Technical Reports

Roads section stated that a charge should be made for car parking in respect of the area to be converted from stores to the gift shop and optician's.

4.0 Planning History

No recent relevant applications were cited by the parties.

5.0 Policy Context

5.1. Contribution Scheme

The contribution scheme adopted by the planning authority in 2004 includes a heading of €2,000 per car parking space for commercial development. This figure was raised to €2,382 in 2007.

5.2. Development Plan

The site is zoned as part of the town centre under the 2014 Mayo County Development plan. Objective KTSD-11 is to secure sites for town centre parking in Swinford. Paragraph 39.1.2 of volume 2 of the plan states that development proposals will normally be required to meet the parking standards in appendix 3, which for shops in towns is 1 space per 25m², and for warehousing is 1 space per 65m².

6.0 The Appeal

6.1. Grounds of Appeal

- The appeal relates to the contribution charge of €7,146 for car parking in condition no. 5. The development retains 100% site coverage. While the use would be intensified, the applicant's intention is to provide a more luxurious and open retail space for customers. The planner's report refers to a gift shop and opticians as new uses. An optician already visits the premises. An adjoining retail space is leased by the applicant. It is intended that this can be incorporated into his premises. The applicant advises that customers to his shop also visit the adjoining space so there would be no increase in footfall.
- The credit to the existing store in the planner's report appears to be based on manufacturing use at 1 space per 65m². It should have been based on retail use, resulting in no extra demand for car parking.
- Swinford is a small town and there is an extensive car park on Pound Lane that always has ample parking available. The applicant advises that many customers live locally and arrive on foot. The applicant is trying to upgrade his premises to a more modern and open retail space, and feels the car parking contribution is excessive and unnecessary.

6.2. Planning Authority Response

The planning authority did not respond to the appeal.

7.0 Assessment

- 7.1. The appeal did not dispute the figure of 144.7m² as a description of area that would change from storage to a retail use as a gift shop and optician. It is consistent with the application fee paid to the planning authority and the submitted drawings. It is therefore used as the basis for this assessment
- 7.2. The contribution scheme adopted by the county council makes specific provision for contributions towards car parking spaces in respect of commercial development, with the current rate being €2,382 for each space. The scheme does not specify that the number of parking spaces for which a levy would be sought should be calculated by reference to the parking standards in the development plan less any spaces provided in the development itself. However this was the established practice by planning authorities when the contribution schemes were first made under the 2000 act. It is therefore reasonable to interpret the reference in the contribution scheme to levies for car parking as an intention to continue the established practice in accordance with the new statutory arrangements for financial contributions. Otherwise the reference to car parking spaces in the scheme would be either redundant or susceptible to imposition in an unpredictable and arbitrary manner, thus undermining the purpose of having a written scheme adopted by the elected members.
- 7.3. The authorised development would provide 144.7m² of new retail floorspace which would require 5.8 car parking spaces under the parking standards at table 12 of development plan, which requires 1 space per 25m² of retail floorspace. It would result in the loss of a similar amount of storage space. The category which corresponds to storage space in table 12 is warehousing, which has a standard of 1 space per 65m². This standard happens to be the same as that for manufacturing. So 144.7/65 or 2.2 parking spaces should be credited in the calculation of the levy due for car parking, leaving a contribution due in respect of 3.6 spaces. The planning authority's imposition of a contribution for 3 car spaces was therefore in accordance with the standard set in the development plan, although it used a rounding method that favours the developer. As stated above, it is appropriate that the development plan standards would be used in the calculation of the levies

payable for car parking under the contribution scheme. The planning authority therefore properly applied the terms of the scheme in this case.

- 7.4. It is noted that a public car park lies very close to the site. It is likely that it provides adequate parking to serve the additional demand that would be generated by the development. However contributions under adopted schemes are of general application. There are not intended to resolve specific deficiencies with individual developments in the way that special contributions under section 48(c) of the act would be. They provide funding for local authorities to carry out works that benefit development in the county as a whole. The fact that the local authority in this case has provided a car park that benefits development on the appeal site is not, therefore, a justification for waiving a financial contribution that is payable under the terms of an adopted scheme. Neither would the fact that an optician uses the existing shop on an occasional basis, or the other details of the current and proposed uses cited in the appeal.

8.0 Recommendation

- 8.1. I recommend that the board direct the planning authority to attach condition no. 5 of its decision to the grant of permission without altering its terms.

9.0 Reasons and Considerations

A financial contribution in respect of car parking for commercial development is payable under the terms of the contribution scheme adopted by the planning authority under section 48 of the Planning and Development Act 2000, as amended, at the rate of €2,382 per space. It was appropriate to use the parking standards specified at table 12 of volume 2 of the Mayo County Development Plan 2014-2020 in the calculation of this contribution for the authorised development, based on the provision of 144.7m² of retail floorspace that requires 1 space per 25m² under the standards, and the loss of the same amount of storage, which is equivalent to the category of warehousing in the said table, which requires 1 space per 65m².

Condition no. 5 of the planning authority's decision therefore properly applied the terms of the contribution scheme by requiring a payment of €7,146 for three parking spaces.

Stephen J. O'Sullivan
Planning Inspector

5th December 2017