



An  
Bord  
Pleanála

## Inspector's Report ABP-305134-19

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### Development

Alterations to previously approved permissions, reallocation of 5 car parking spaces from the 3 apartments to Church Street, as current car parking spaces serve the Supervalu Retail Unit.

### Location

52-58 Church Street, Skerries, Co Dublin

### Planning Authority

Fingal County Council

### Planning Authority Reg. Ref.

F19A/0229

### Applicant(s)

Moriarty Foodmarkets Ltd.

### Type of Application

Permission

### Planning Authority Decision

Refusal

### Type of Appeal

First Party

### Appellant(s)

Moriarty Foodmarkets Ltd.

### Observer(s)

None

### Date of Site Inspection

20<sup>th</sup> of November 2019

### Inspector

Angela Brereton

## 1.0 Site Location and Description

- 1.1. The application site is located on the west side of Church Street, in Skerries Town Centre and relates to Nos. 52 to 58 Church Street. The site is assembled from a number of plots facing onto Church Street, Church Lane and Tennis Court Lane. The site encompasses a mixed use development, the main part of which comprises a Supervalu supermarket and associated surface carpark to the north and west of the site and various buildings along Church Street. The site is bounded to the east by Church Street, to the south by Tennis Court Lane and to the north by existing residential dwellings.
- 1.2. The application relates specifically to the properties Nos. 56, 57 and 58 Church Street which interface directly onto the street. However, these recently developed properties have no on-site parking or allocated parking along the road frontage, excepting the area as shown on the drawings submitted in the Supervalu carpark at the rear.
- 1.3. There is no signage on site to say that these spaces are reserved for the recently constructed but not yet occupied units, that consist of retail units (now vacant) on ground floor level and apartment units above. On my site visit at c.11am on the 20<sup>th</sup> of November 2019, I noted that the carpark was partially used, some deliveries were also taking place to the Supervalu. There is also a bottle bank area to the south.
- 1.4. Parking along Church Street is pay and display, and the street was generally well parked. There are various restrictions on parking. There are bus stops in the area relative to public transport.

## 2.0 Proposed Development

- 2.1. This is to comprise of Alterations to previously approved permissions Reg.Ref. F14A/0527 and F17A/0285. Proposed Alterations to consist of the following:
  - The re-allocation of 5no. car parking spaces from the 3no. apartments approved under Reg. Ref. F17A/0285 to Church Street, as current car parking spaces serve the Supervalu Retail Unit.
  - The development also includes all ancillary works necessary to facilitate the development.

- 2.2. A Planning Report by Hughes Planning & Development Consultants has been submitted with the application to provide a context and rationale for the proposed development.
- 2.3. A Site Layout Plan showing the location of the subject parking spaces and drawings showing floor plans and elevations of the units have also been submitted.

### 3.0 Planning Authority Decision

#### 3.1. Decision

On the 16<sup>th</sup> of July 2019, Fingal County Council refused permission for the proposed development for the following reasons:

- 1. The proposed development does not meet the requirements of the Fingal Development Plan 2017-2023 in relation to car parking and would therefore be contrary to the proper planning and sustainable development of the area.*
- 2. The proposal to omit the dedicated car parking from within the existing surface car park, where it is surveilled, secure and accessible to the residents of the apartments would result in a substandard level of residential amenity for the residents of the apartments, would be contrary to the proper planning and sustainable development of the area and would create an undesirable precedent for other similar development.*
- 3. The proposed development would contravene materially Condition No. 4 attached to existing permission Reg.Ref. F17A/0285 & ABP06F.248978.*

#### 3.2. Planning Authority Reports

##### 3.2.1. Planner's Report

The Planner had regard to the locational context of the site, planning history and policy and to the interdepartmental reports. Their Assessment included the following:

- They note the complex history of the site including relative to the car parking issue. They consider that the proposal would be contrary to conditions relevant to parking on previous permissions.

- The proposal is for the ‘omission’ of 5no. parking spaces rather than the ‘re-allocation’.
- They note policy and guidelines relevant to parking for apartment units in the Fingal CDP 2017-2023 and the Apartment Guidelines.
- They consider that this parking area is in accordance with standards for the 3no. apartment units.
- They note that the Transportation Planning Section is not in support of the proposed development.
- The Planning Officer does not consider it appropriate (having regard to the current DCS) to attach a development contribution in lieu of parking.
- Given the nature of the proposed development no negative impacts on Natura 2000 sites are anticipated.
- They conclude that the proposal, which essentially entails the omission of dedicated car parking to serve the permitted apartments is not considered acceptable, would not accord with Table 12.8 of the *Fingal Development Plan 2017-2023* in respect of car parking provision, would be injurious to the future residents of the apartments and contravene materially Condition no.4 attached to existing permission Reg.Ref. F17A/0285 & ABP. Ref. PL06F.248978 which requires the provision of 5no. car parking spaces to serve the 3no. apartments. They recommend refusal.

### 3.3. Other Technical Reports

#### Transportation Planning Section

They consider that sufficient justification has not been submitted for the proposed removal of the 5no. car parking spaces to serve the permitted apartment development. They would not be in support of the proposal and it would contravene Condition no. 4 of the previous grant of permission. If permission is to be granted they recommend a condition to provide for a development contribution by way of a special development contribution in lieu of car parking.

### 3.4. **Prescribed Bodies**

None consulted.

### 3.5. **Third Party Observations**

No submissions were received as noted in the Planner's Report.

## 4.0 **Planning History**

4.1. The Planner's Report and the Planning Report submitted with the application have regard to the substantial planning history of the site which include the following more recent decisions:

- Reg.Ref. F17A/0285 – Permission granted by the Council subject to conditions for Alterations to previously approved Reg.Ref. F14A/0527 to include reconfiguration of approved first floor levels to Nos. 56, 57 & 58 Church Street and to replace 3no. office units with 3no. apartments, alterations to fenestration, façade and reconfiguration of ground floor. Following a subsequent Third Party Appeal the Board (Ref. PL06F.248978) granted permission subject to conditions. Condition no. 4 of the Board's decision concerned reservation of car parking for the apartments.
- Reg.Ref. 17A/0123 – Permission refused for alterations to previous approved Application Reg.Ref. F14A/0527. The proposed alterations consisted of the reconfiguration of approved first floor levels to No. 56, 57 and 58 Church Street to replace 3 no. previously approved office units with 3no. two bedroom dual aspect apartments; each with south facing balcony. Development also included apartment bin and cycle store to be provided in the car park to the rear; 2 no. car parking spaces to be assigned to each apartment in the existing car park to the rear; CCTV cameras; together with all ancillary works at 52-58 Church Street, Skerries. As noted in the Planner's Report there are 3no. reasons for refusal all of which relate to car parking issues. This was not subject to appeal.
- Reg.Ref. F17A/0096 - Permission granted by the Council subject to conditions for Alterations to previously approved Reg.Ref. F14A/0527 comprising

retention of modification to two-storey extension, reconfiguration of lobby and atrium and all associated works. This was subsequently the subject of a Third Party Appeal which was granted subject to conditions by the Board (Ref. PL06F.248985 refers).

- Reg.Ref. 14A/0527 – Permission granted subject to conditions for the construction of a two storey extension to the north elevation of existing Supervalu Supermarket, alterations to Supervalu front façade at No. 54 Church Street and demolition of No. 55 Church Street, except for the existing front brick façade, construction of double height atrium with new customer entrance to Supervalu Supermarket, redevelopment and alterations to No. 56 and No. 57 Church Street, supermarket carpark reconfiguration, revise loading area and vehicular entrance, provision of landscaped screening zone and all associated site development works within an ACA.

## 5.0 Policy Context

### 5.1. Fingal County Development Plan 2017-2023

#### *Urban Development -Skerries*

Chapter 4 – Urban Fingal includes regard to Skerries where the Development Strategy seeks to: *Consolidate the town, the preservation and enhancement of the distinct character and existing urban form, the development of its commercial/retail service function, the retention and enhancement of existing amenities and the promotion of its role as a local tourist destination.*

Objectives 1 -13 relate.

Objective Skerries 3 seeks to: *Encourage mixed use development and require where practicable that a residential component is included in redevelopment proposals within the designated town centre zone (TC).*

Objective Skerries 8 seeks to: *Prepare an Urban Framework Plan to guide and inform future development of the harbour area incorporating mixed-use development including community/recreational and marina/water sports facilities with improved accessibility including enhanced off-street car-parking.*

### *Land Use Zoning*

The subject site is zoned 'TC' *Town and District Centre* with an objective to: *Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.*

The site is within the Architectural Conservation Area.

There is an Indicative Cycle/Pedestrian Route along Church Street to the front of the site and The Rope Walk to the south of the site.

### *Residential*

Section 12.4 provides the Design Criteria for Residential Development. This includes that all new dwellings shall comply with Development Plan standards in relation to accommodation size, garden size and car parking.

### *Parking*

Chapter 7 refers to Movement and Infrastructure and includes regard to Parking Control and urban areas where Zones 1 and 2 are applicable.

Objective MT08 seeks to: *Control on-street parking in the interests of the viability, vitality and amenity of commercial centres by maximising the supply of short stay parking for shoppers, while providing appropriate levels of long - term parking within a reasonable distance for employees.*

Objective PM69 – *Ensure that proposals do not have a detrimental effect on local amenity by way of traffic, parking, noise or loss of privacy of adjacent residents.*

The Car Parking Standards provide a guide as to the number of required off-street parking spaces acceptable for new developments. This includes:

*Car parking spaces proposed to serve apartment/duplex residential development shall not be sublet or leased to non-residential owners or non-occupiers.*

Table 12.8 provides the car parking standards.

### *Contributions*

Chapter 7 refers to Movement and Infrastructure. This includes regard to Section 48 and 49 Levies: *Financial contributions will be sought as part of the development*

*management process for certain development under the provisions of Section 48 and Section 49 of the Planning and Development Act, 2000 (as amended). Section 48 (general) schemes relate to proposed provision of public infrastructure and facilities which benefit development within the area of the Planning Authority and are applied as a general levy on development. A ‘special’ contribution under Section 48(2)(c) may be required where specific exceptional costs not covered by the general scheme are incurred by a Local Authority due to a specific development.*

Objective MT44 seeks to: *Utilise, where appropriate, the provisions of Section 48 and 49 of the Planning and Development Act, 2000 (as amended) to generate financial contributions towards the capital costs of providing local and strategic transport infrastructure, services or projects in the County. This will be done in conjunction with adjoining Local Authorities where appropriate.*

## **5.2. Fingal County Council Development Contributions Scheme 2016-2020**

This is the pertinent scheme. Section 5(i) notes that Section 48 of the Planning and Development Act 2000 (as amended), gives the following meaning to “public infrastructure and facilities”- (a) – (h). The following are of note relative to car parking:

*(c) the provision of roads, car parks, car parking places, sewers, waste water and water treatment facilities, service connections, watermains and flood relief work.*

*(e) the refurbishment, upgrading, enlargement or replacement of roads, car parks, car parking spaces, sewers, waste water and water treatment facilities, service connections or watermains.*

5(ii) “scheme” means a development contribution scheme made under Section 48 of the Act.

Section 10 has regard to Exemptions and Reductions including regard to an exemption for ancillary surface carparking to Fingal CDP Standards in Section 10(i)(j).

Section 17 provides for Special Development Contributions, which may be imposed under Section 48 of the Act where exceptional costs not covered by the Fingal County Council Development Contributions Scheme 2013-2015 are incurred by the Council in the provision of a specific public infrastructure or facility.



Appendix II – Projects Lists and this includes *Skerries Traffic Management Scheme*.

### 5.3. **Sustainable Residential Development in Urban Areas 2009**

These are statutory guidelines and include regard to sustainable and integrated residential development in urban areas and in towns and villages.

Section 7.6 refers to Car and bicycle parking.

*Car parking standards need to be set at realistic levels (having regard, inter alia, to proximity to public transport) in order to avoid parked vehicles causing obstruction on residential streets in the evenings or at weekends. Parking can be provided in an on-curtilage arrangement or in a grouped format depending on the type of layout proposed. In the latter case, it should be well overlooked by adjacent dwellings and appropriately landscaped.*

### 5.4. **Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities 2018**

These guidelines are made under Section 28 of the Planning and Development Act 2000 (as amended) and they update and supersede the previous 2015 document. They apply to all housing developments that include apartments.

Section 1.10 notes that aspects of previous apartment guidance have been amended and new areas addressed and these include:

- *Remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs.*

Section 1.17 refers to Apartment design parameters addressed in these guidelines which includes reference to car parking.

Section 3.40 includes regard to Security Considerations:

*Apartment design should provide occupants and their visitors with a sense of safety and security, by maximising natural surveillance of streets, open spaces, play areas and any surface bicycle or car parking. Accordingly, blocks and buildings should overlook the public realm.*

Section 4.18 includes regard to locational context:

*The quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria.*

Sections 4.18 - 4.27 refer to carparking and where reductions may be appropriate (a copy of these is included in the Appendix to this Report).

## **5.5. Natural Heritage Designations**

The closest Natura 2000 sites (i.e Skerries Islands SPA, c.1km) lie to the east of the subject site.

## **5.6. EIA Screening**

Having regard to the nature and scale of the development and the fact that it relates to parking issues on a fully serviced site, it is considered that 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**

A First Party Appeal has been submitted by Hughes Planning & Development Consultants on behalf of the Applicant, Moriarty Foodmarkets Ltd. They have regard to the locational context and planning history and policy relative to the site and to the Council's reasons for refusal. Their grounds of appeal include the following:

- The existing on-street parking is sufficient to serve the amended development proposed given the site's proximity to a high frequency bus route and proximity to services and is in compliance with the aims and objectives of car parking as set out in the Apartment Guidelines (2018).

- The residential amenity of future residents of the apartments will remain to standard and would be considered to be in line with the proper planning and sustainable development.
- The proposal would not be contrary to Condition No. 4 of the permission approved under Reg.Ref. F17A/0285 & ABP. Ref. PL06F.248978 by means of car parking provision.
- Access, refuse bin and bicycle storage will remain unchanged as part of this alteration's application.
- The proposed development is in accordance with the proper planning and sustainable development of the area and they request the Board to overturn the decision of the Council and grant permission for the proposal.

*Response to Refusal No.1*

- They submit that the proposed re-allocation of car parking from the Supervalu car park to Church Street (on-street) is acceptable as parking is readily available outside the development, and this trend is a characteristic of the town centre of Skerries.
- There is ample car parking on Church Street and access to frequent and reliable public transport bus services.
- They have regard to planning policy in the Fingal CDP and to the Apartment Guidelines (2018) and consider that the proposed development is in accordance with this.
- Logistically it would be easier if the occupants could use the on-street parking on Church Street in the same way as all the other dwellings in the area.
- The apartments will attract young professionals who could use other more sustainable forms of transport or cycle to work.
- They consider it acceptable that the 5no. car parking spaces currently allocated within the Supervalu, where access is only possible with a fob to open the car park after hours, be re-allocated to Church Street, where occupants could find their own car parking spaces should they wish to travel by car.

### *Response to Refusal Reason No. 2*

- They refer to the quality of the design of the apartments and accessibility to public transport for future occupants who may be young professionals.
- Other properties in Church Street do not typically have access to off-street parking.
- The site has access to bus services, and the removal of the car parking spaces from Supervalu would promote more sustainable means of transport.

### *Response to Refusal Reason No.3*

- They refer to Condition no. 4 of Reg.Ref. F17A/0285 & ABP Ref. PL06F.248978 and do not consider that the proposed development is contrary to this condition.
- This application is to facilitate the re-allocation of car parking to on-street on Church Street rather than having the spaces within the Supervalu carpark. This would allow for both developments to work separately.

### *Conclusion*

- They contend that the proposal is acceptable and compliant with the zoning objective, policies and objectives as set out in the Fingal CDP 2017-2023 as well as the Regional and National planning policies, including the Sustainable Residential Guidelines (2009) and the Apartment Guidelines (2018). They request that planning permission be granted for the proposal.

## **6.2. Planning Authority Response**

Their response includes the following:

- The Site Location Map includes the Supervalu car park within the site boundaries of the subject site.
- The carpark is of sufficient area/capacity to cater for both the Supervalu and the apartments and it is unclear how the carpark is incapable of providing the car parking for the proposed apartments.

- The proposed development relative to the omission of car parking does not meet the requirements of the Fingal DP 2017-2023 in relation to car parking.
- It would result in a substandard level of residential amenity for the residents of the apartments and would contravene materially Condition no. 4 attached to permission Reg. Ref. F17A/0285 and ABP Ref. PL06F.248978.
- They ask the Board to uphold the decision of the Planning Authority.
- In the event, that this appeal is successful, they request that provision be made in the determination for applying a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme.

## 7.0 Assessment

### 7.1. Proposal and Background

- 7.1.1. The applicant seeks approval for alterations to previously approved applications Reg.Ref. F14A/0527 and F17A/0285 to allow for the removal of car parking spaces from the approved 3 No. apartments of Nos. 56, 57 and 58 Church Street, Skerries. This also includes all ancillary works necessary to facilitate the development. These 5no. car parking spaces are shown on the plans submitted as being to the west and rear of the apartments within the existing Supervalu parking area. I noted on site that there is no signage indicating that these spaces are dedicated to the apartments and that the bin and bike storage area has not been allocated. However, the apartments and retail units while constructed are not yet occupied. There is signage within the carpark in a number of locations, including on the wall adjacent to the said car parking spaces which generally says: 'Supervalu carpark – Maximum Stay 2 hours and strict clamping policy in place'.
- 7.1.2. The complex planning history of the greater site area and relevant to the subject apartment development facing Church Street, has been noted in the documentation submitted and in the Planning History Section above. Most pertinent to the current application is Condition no. 4 of the Board's permission (Ref. 06F.248978 – Reg. Ref.F17A/0285 refers). This is of note and is as follows:

*(a) The car parking spaces proposed to serve the apartments shall be reserved solely for use by the occupants of the apartments and/or visitors to the apartments. A*

*revised site layout showing the provision of five car parking spaces shall be submitted to and agreed with the planning authority prior to the commencement of development. Spaces shall not be sold separately or let to avoid non-take-up of residents.*

*(b)The practice of night-time closing of the adjoining car park which serves the supermarket shall continue and arrangements shall be put in place to ensure occupants of the apartments can access the car spaces reserved for their residential parking after the car park closes.*

*Reason: To provide for suitable car parking for future occupants of the apartments.*

7.1.3. The Council considers that the current proposal results in substandard amenity for future occupants of the apartments and would not be in accordance with the Fingal CDP and would be in material contravention of this condition of this permission. The First Party do not consider this to be the case and point out that this application has now been made for the removal of these spaces and that if permitted the Supervalu and apartments can work as separate entities, which would be more beneficial.

7.1.4. In this respect it is noted that the red line boundary of the application site encompasses the whole of the site area including the Supervalu and the apartment/retail units and parking area as shown on the plans submitted. The parking spaces for the apartments are within the Supervalu carpark. Therefore, having regard to the planning history and the current application it is not considered that the two can be considered as constituting separate unrelated entities.

## **7.2. Rationale for Proposal**

7.2.1. It is noted that the First Party provides that in this instance the proposed development provides for the re-allocation of car parking from the Supervalu car park which is locked at night to prevent car parking not associated with the supermarket as well as ensuring that no anti-social behaviour occurs on the premises after hours. They provide that occupants of the apartments as approved, would have to use a fob to access the carpark after hours. They consider that the relocation of car parking from Supervalu supermarket to Church Street is considered acceptable as parking is readily available on the street outside the development. Also, that the previous units on this site prior to the redevelopment did not have access to off-street parking and

this was found to be acceptable for many years, as it is a characteristic of Skerries town centre. They also note that the surrounding dwellings in Church Street do not have access to off-street parking.

- 7.2.2. They provide that the site has access to frequent and reliable public transport provided by Dublin bus routes close to the site, that connect the site to the city centre, thus reducing the need for the occupants to have access to a car, and the need to have allocated car parking spaces within the Supervalu car park for occupants of the apartments.
- 7.2.3. They have regard to Section 4.27 of the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018*. This provides: *For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location.*
- 7.2.4. As noted on the application form the area of the site is greater than this i.e. 0.7086ha. However, the First Party consider that the overall quality of the units is to a high standard and that they are very accessible in terms of public transport and their location in proximity to amenities such as Supervalu and other town centre units as well as other amenities. They consider that the provision of on-site carparking is not warranted in this case.

### **7.3. Parking and Transportation issues**

- 7.3.1. On site I noted that there is pay and display parking along the Church Street frontage. This was well parked and there were not many spaces available mid-morning in November, a time when normally parking would be seen to be light. Skerries is a seaside town and a tourist destination where parking particularly during the Summer season can be very busy. It is noted that the proposal does not provide an alternative parking area on Church Street, rather to use the pay and display as the opportunity arises. The Council's Transportation Planning Section has concerns that the applicant has not submitted sufficient justification, for this proposal and would not be in support of the proposed development. Concerns include that the proposal would not be in accordance with the Fingal CDP and would contravene Condition no. 4 of the previous grant of permission (as noted above).

7.3.2. Table 12.8 of the Fingal CDP provides the car parking standards. These are 1.5 per 2 bed unit, plus 1 visitor space per 5 units. Therefore for 3 no. 2 bed units 5no. spaces would be required, which is what has been provided in the previous application. Therefore, the provision of on-site parking as per Condition no.4 of Ref. PL06F.248978 complies with the standards. Also, the parking is located proximate to the units which as noted on the Floor Plans submitted, provides for surveillance and is more accessible than if they were located a distance away.

7.3.3. The Apartment Guidelines (2018) allow for a reduction in parking in certain circumstances. As noted in the Policy Section above Sections 4.18 to 4.24 refer to this issue having regard to the locational context of the site and proximity to public transport links. These refer to Central and/or Accessible Urban Locations in highly accessible areas adjacent to public transport systems such as DART, Luas and commuter rail and bus stations. Regard is also had to reductions in parking in Intermediate Urban Locations having regard to density (i.e. more than 45 dwellings per hectare) and to Peripheral and/or Less Accessible Urban Locations. Section 4.22 provides:

*As a benchmark guideline for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required.*

7.3.4. The Apartment Guidelines (2018) refer to a reduction in on-site parking requirement in certain locations. These generally refer to new build rather than apartment units that have previously been constructed and granted under separate (pre 2018) permissions. This part of Skerries is not a higher density urban/city centre location. While there are as pointed out by the First Party some transport links including bus routes in the vicinity, it could not be considered a transport hub. The Skerries train station is also some distance from the site.

7.3.5. Having regard to the documentation submitted, I am not convinced that sufficient justification has been provided for the removal of these parking spaces in this instance. I would consider that they are beneficial to the amenities of the future occupants of the apartments and should be retained in their location to the rear of the units within the Supervalu carpark as shown on the drawings submitted. No alternative parking arrangement has been presented to include dedicated parking for the apartments. On-street pay and display parking can be congested and while there



is access to public transport, this could not be considered a major transport hub or a very accessible urban location. Therefore, in accordance with the Parking Standards as per Table 12.8 of the Fingal CDP and Condition no. 4 of PL06F.248978, I would recommend that the current proposal be refused and that these 5no. on-site parking spaces be retained for use of the apartments as previously permitted.

#### 7.4. Development Contributions

7.4.1. The Planning Authority response to the Grounds of Appeal has recommended that if this appeal is successful, provision should be made in the determination for applying a financial contribution in accordance with the Council's Section 48 Development Contributions Scheme.

7.4.2. Of note is Section 7.1 of the Fingal CDP, which includes the following:

*In town and village centres where plot sizes are small, it is often challenging to provide car parking for new developments. When considering applications for developments in towns and village centres, the availability of car parking space should be considered. Where appropriate, proposed residential units should have a car parking space per unit. Where Pay and Display systems are in operation, the parking demand can be accommodated on-street. As the use of on-street parking, especially permit-parking, saves developers the cost of providing their own car parking spaces and reduces Council revenue from Pay and Display, a contribution in lieu of parking is appropriate.*

7.4.3. The Transportation Planning Section, as noted above, while their preference is for refusal in this case, have recommended that if a grant of permission is being considered that the following condition should apply:

*A special contribution, under section 48(2)(c) of the Planning and Development Act 2000 and as per Objective DMS115 of the County Development Plan, of €25,000 be paid to the Council in respect of the provision of controlled on-street parking.*

Objective DMS115 includes: *In towns and villages with Pay and Display parking, developers may pay a contribution in lieu of car parking at a rate of €5000 (five thousand euro) per space.*

7.4.4. The Planner's Report notes that under An Bord Pleanála Ref. PL06F.244997 (in relation to a development in Rush) the Board previously concluded that a condition requiring a special contribution in respect of pay and display resulted in double charging as pay and display was already covered in the applicable Development Contributions Scheme. In this case the Board Decision included:

*It is considered that the amount sought under condition number 8(ii) is not a specific exceptional cost over and above that already covered by the General Development Contributions Scheme, would result in double charging and it would, therefore, be inappropriate to attach a Section 48(c) Special Development Contribution in this instance.*

7.4.5. As noted in the Policy Section above the Fingal Development Contributions Scheme 2016-2020 includes regard to the provision of car parking as "public infrastructure" in Section 5 (i) of the Section 48 Scheme.

Section 10 has regard to Exemptions and Reductions and Section 10(i)(j) includes:

*Ancillary, surface and underground car parking is exempt. (i.e. Councils Development Plan standards). Stand-alone commercial car parks are subject to a 50% reduction in the commercial rate.*

Also, of note is Appendix II- Project Lists of the General Contributions Scheme which includes: *Skerries Traffic Management Scheme.*

7.4.6. Section 17 of the Council's DCS has regard to Special Development Contributions under Section 48(2)(c) of the Planning and Development Act 2000 (as amended). However, it is noted that the Board's most recent permission relevant to the subject site (as quoted above relevant to condition no.4) Ref. PL06F. 248978, includes condition no. 12 relevant to development contributions for public infrastructure. Therefore, I would not consider a special development contribution would be in order in this case, as the issue is covered under the Council's Section 48 Scheme.

## 7.5. Screening for AA

7.5.1. Having regard to nature and scale of the development proposed relative to car parking in a fully serviced and zoned land and mixed development use in Skerries Town Centre and the nature of the receiving environment and the distance and lack

of connections to the nearest European sites: Skerries Islands SPA (site code: 004122), no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. I recommend that permission be refused for the reasons and considerations below.

## 9.0 Reasons and Considerations

1. The proposed development would result in the loss of 5 number on-site car parking spaces allocated for the 3 number apartments as previously permitted having regard to the extensive planning history of the site and as referred to specifically under Reg.Ref. F17A/0285 and An Bord Pleánala Reference: PL06F.248978. As such it would be in material contravention of condition number 4 of the Board's permission and of the Car Parking Standards as provided in Table 12.8 of the Fingal Development Plan 2017-2023. The loss of these spaces with no allocated alternative parking area would result in a loss of amenity for future occupiers of the apartments and further usage of the pay and display parking area in Skerries Town Centre and would be contrary to the proper planning and sustainable development of the area.

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Angela Brereton  
Planning Inspector

26<sup>th</sup> of November 2019