



An  
Bord  
Pleanála

**Board Direction**  
**ABP-300397-17**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/09/2018.

The Board decided, as set out in the following Order, that

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the use of existing car park used by the public as a public car park at the former Bank of Ireland premises, Parnell St. / The Applemarket, Waterford is development which is exempted development.

**AND WHEREAS** Sean Johnston, Suites 9 & 10 Station House, Railway Square, Waterford requested a declaration on this question from Waterford City and County Council, and the said Council issued a declaration on the 9<sup>th</sup> day of November 2017 stating that the matter is development and is not exempted development.

**AND WHEREAS** Sean Johnston referred this declaration for review to An Bord Pleanála, on the 6<sup>th</sup> day of December 2017.

**AND WHEREAS** having regard to the nature of the question and the documentation submitted as part of the referral, the Board has decided to reformulate the question as follows:

“Whether the use as a public pay car park of an area previously used for parking associated with a commercial / office premises at the former Bank of

Ireland premises, Parnell St. / The Applemarket, Waterford is or is not development or is or is not exempted development”

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) Section 3(1) of the Planning and Development Act, 2000, as amended
- (b) article 6(1) and article 10(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the nature of the previous use as parking connected with the primary use of the site as a commercial / office premises,
- (f) the nature of the current use of the site as a public car park offering daily and hourly rates,

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) the current use of the land as a public car park represents a new and separate business which has no connection to the primary use of the site as a commercial / office building, most recently in use as a bank and that a change of use has therefore occurred.
- (b) the current use of the site as a public car park represents a new and separate business which has no connection to the primary commercial / office use of the site and is, therefore, a material change of use,
- (c) the change of use of the land to car parking with a daily or hourly basis for charging, is likely to generate an increased intensity of use which is materially different to the use as parking incidental to the primary commercial / office use, due to alterations to the level and pattern of traffic and hours of operation, and is therefore a material change of use, and

(d) the said material change of use is development which does not come within the exempted development provisions of the Planning and Development Acts, 2000-2018 or of the regulations made thereunder.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the use as a public pay car park of an area previously used for parking associated with a commercial / office premises at the former Bank of Ireland premises, Parnell St. / The Applemarket, Waterford is development and is not exempted development.

**Board Member:**

**Date:** 03/09/2018

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John Connolly