



An  
Bord  
Pleanála

## Board Direction 28.RL3602

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20<sup>th</sup> June 2018.

The Board decided, generally in accordance with the inspector's recommendation, that the parking use in question is development and is not exempted development.

**WHEREAS** a question has been posed by Cork City Council as to “whether the ancillary use of the car park by members and sponsors is or is not development or is or is not exempted development within the meaning of the Act”;

**AND WHEREAS**, An Bord Pleanála - having examined the response of the occupier, which posed a different question, and to the various submissions of the parties on file - considered that the question being asked would be appropriately framed as follows: Whether the use of ancillary parking facilities serving the changing room/club house at St. Michael's GFC, Ballinure, Mahon, Cork for car parking other than car parking ancillary to the primary function of the site is or is not development or is or is not exempted development within the meaning of the Act.

**AND WHEREAS** Park Facilities Management Ltd. c/o Cunnane Stratton Reynolds, Copley Hall, Cotters Street, Cork requested a declaration on the question from Cork City Council on the 6<sup>th</sup> day of March, 2017.

**AND WHEREAS** the said question was referred to An Bord Pleanála on the 7<sup>th</sup> day of July, 2016:

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

- (a) sections 2(1), 3(1) and 4 of the Planning and Development Act, 2000, as amended,
- (b) articles 6 and 9 of the Planning and Development Regulations 2001,
- (c) the planning history of the site,
- (d) provisions of the Cork City Development Plan 2015, including in relation to land use zoning and sustainable transport,
- (e) the report of the Inspector

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

- (a) the permitted use of the land that is the subject of this referral, under planning permission register reference number TP 05/29279, is as ancillary car parking to a single storey changing room/club house that was the subject matter of that planning application,
- (b) the use that is the subject of this referral, constitutes the use of this parking facility for the parking of cars other than for the purposes ancillary to the changing room/club house, therefore, constitutes a factual change of use from the permitted use, since the new use is not ancillary to the use of the permitted changing room/club house, but is independent of it,
- (c) this change of use is materially different by reason of the different functions served, the change in the nature of activities at the site, the change in the pattern of vehicular activity arising therefrom which all raise planning considerations in relation to land use zoning and sustainable transport. Accordingly it is considered that the change

of use constitutes a material change of use, which is, therefore, “development” within the meaning of section 3 of the Planning and Development Act, 2000, as amended and

- (d) the said development does not come within the scope of any exemptions set out in section 4 of the Planning and Development Act, 2000, as amended, or exemptions available under the Planning and Development Regulations 2001, as amended.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, as amended, hereby decides that the use of ancillary parking facilities serving the changing room/club house at St. Michael’s GFC, Ballinure, Mahon, Cork for car parking other than car parking ancillary to the primary function of the site is development and is not exempted development.

**Board Member**

**Date:** 20<sup>th</sup> June 2018

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Conall Boland