



Planning and Development Acts 2000 to 2018

Planning Authority: Waterford City and County Council

Planning Register Reference Number: D52017 38

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 Street/The Applemarket, Waterford is development which is exempted development:

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

AND WHEREAS Sean Johnston referred the declaration for review to An Bord Pleanála on the 6th day of December, 2017:

AND WHEREAS An Bord Pleanála, in the light of the documentation on the file, has reformulated 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 Street/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) Part 1 and Part 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, and
- (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 Street/The Applemarket, Waterford is development and is not exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

John Connolly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.