

An
Bord
Pleanála

**Board Direction
ABP-311370-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/05/2022.

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 TRC House for residential use, as provided for under article 10(6) of the Planning and Development Regulations, 2001, as amended, is exempt development. This declaration excludes the lower ground floor area identified on Drawing No. 0213 titled 'Proposed Lower Ground Floor Plan'. :

AND WHEREAS Dundrum TRC Ltd., c/o Declan Brassil & Company Ltd., Lincoln House, Phoenix Street, Smithfield, Dublin 7, requested a declaration on this question from Dun Laoghaire Rathdown County Council and the Council issued a declaration on the 25th day of August, 2021 stating that the matter was development and was not exempted development:

AND WHEREAS Dundrum TRC Ltd. referred this declaration for review to An Bord Pleanála on the 10th day of September, 2021:

AND WHEREAS An Bord Pleanála restated the question as whether the use of TRC House for shared accommodation/co-living use, is development or is exempted development:

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

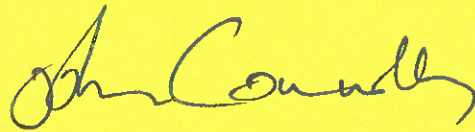
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Planning and Development (Amendment) (No 2) Regulations 2018 (S.I. No. 30 of 2018)
- (d) Sustainable Urban housing: Design Standards for New Apartments – Guidelines for Planning Authorities (December 2020)
- (e) Dun Laoghaire Rathdown County Development Plan 2022-2028
- (f) the report of the Inspector

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the development was commenced during the relevant period in accordance with Article 10(6)(b) of the Regulations
- (b) the internal works to facilitate the residential use would constitute “works” that are “development” under Section 3 of the Planning and Development Act 2000 (as amended) and come within the scope of section 4(1)(h) of the Planning and Development Act 2000 (as amended), and
- (c) the development does not come within the scope of Article 10(6)(d)(vi) as the dwelling floor areas and storage spaces do not comply with the minimum floor area requirements and minimum storage space requirements of the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities (December 2020) issued under section 28 of the Planning and Development Act 2000 (as amended).

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the 2000 Act, hereby decides that the use of TRC House for shared accommodation/co-living use is development and is not exempted development.

Board Member:



Date: 12/05/2022

John Connolly