

**Brock McClure Planning & Development Consultants**  
63, York Road  
Dun Laoghaire  
Co. Dublin

**NOTIFICATION OF DECISION TO REFUSE PERMISSION  
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND  
PLANNING REGULATIONS THEREUNDER**

<b>Decision Order No.</b>	<b>0536</b>	<b>Date of Decision</b>	23-May-2023
<b>Register Reference</b>	SD22A/0361	<b>Date</b>	28-Apr-2023

**Applicant:**

Bartra Property Cookstown Limited

**Development:**

Demolition of all existing 1-3 storey industrial/commercial structures and small cafe on site totalling c.5, 500sq.m in area; Construction of a 1-5 storey Transitional Care Facility (step-up/step-down) providing 131 bedspaces over partial basement (total floor area c.6, 743sq.m) with central courtyard ( c.519sq.m ); The basement consists of a sprinkler tank and pump rooms, water tank room, plant room and workshop; Provision of dining and kitchen areas, siting/family rooms, activity rooms, coffee dock, hair salon, oratory, lobbies/reception areas, ancillary offices and staff areas, stores, toilets, shower/changing facilities, ESB substation, generator, switchroom, service yard and waste areas serving the facility; Lobbies, stair/lifts, photovoltaic panels and green roofs throughout; Partial provision of the pocket park identified in the Tallaght LAP (c.1, 286sqm); New vehicular access from First Avenue and egress onto Cookstown Road via a one-way system through the subject site; Entrance signage on the eastern elevation of the proposed facility; All associated site development works, services provision, connection to the water supply, foul and surface water networks on First Avenue and Cookstown Road including partial diversion of the foul line to the north east of the site at First Avenue, temporary foul pump station, attenuation/bioretention systems, vehicular and pedestrian access including internal road and footpaths, interim pedestrian facilities/public realm upgrade works, landscape and boundary treatment works, tree removal, bicycle storage (76 total spaces), car

parking (32 total spaces), set-down parking spaces, 1 ambulance set-down space serving the facility and delivery/loading areas to First A venue.

**Location:**

Unit 21, First Avenue, Cookstown Industrial Estate, Dublin 24

**Time extension(s) up to and including:**

**Additional Information Requested/Received:**

10-Nov-2022/10-Feb-2023

**Clarification of Additional Information Requested/Received:**

09-Mar-2023/28-Apr-2023

**DECISION:** Pursuant to the Planning and Development Act 2000 (as amended), dated as above a decision to **REFUSE PERMISSION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

**REASON(S)**

1. The applicant has proposed temporary pedestrian and cyclist upgrades from the site to Belgard Luas. The Planning Authority is very clear that temporary/interim works are not acceptable. A design team has been appointed by SDCC to prepare a street design for Cookstown Road, providing a scheme that considers existing industrial traffic movements as well as the emerging uses that will come with the regeneration of the area, namely an increase in pedestrian and cycle movements. The applicants scheme does not consider the intricacies of providing a scheme to address the environment of Cookstown, and to provide interim measures as proposed presents a traffic hazard. The applicant has failed to provide a cycle and pedestrian link which is designed to DMURS and National Cycle Manual standards. This would result in sub-standard facilities for pedestrians and vulnerable road users which would endanger public safety by reason of traffic hazard. The Council cannot accept temporary measures that have not had cognisance of wider uses in the area and are not satisfied with permitting temporary measures that may impact the delivery of a cohesive, planned, scheme for the entire Cookstown area. On this basis, the development is considered premature pending the completion of the design study and would endanger public safety by reason of traffic hazard.
2. The proposed development would, in the current context where the environs of the site is generally in employment and commercial use, be physically isolated from compatible uses and in the absence of permanent connections and linkages in terms of pedestrian and cycle links towards the town centre and the key public transport routes, would constitute a poor standard of amenity for prospective occupants and would give rise to uses which are disconnected from public transport and from the wider area. In this regard, the proposed development would be contrary to the provisions of the Tallaght Town Centre Local Area Plan 2020 – 2026, specifically Section 8 (implementation and sequencing). Furthermore, the development does not accord entirely with the Overall Urban Structure, set out in Figure 3.7 of the LAP. Parking along the southern boundary impacts the permeability of the site and future connectivity into adjoining lands.

The one-way system and lack of contra-flow cycle facilities would restrict access for cyclists through the site and to the pocket park. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. EDE4 Objective 11 of the South Dublin County Development Plan 2022 – 2028 supports the regeneration of the Tallaght LAP lands in accordance with the Tallaght LAP Th.e scheme as currently proposed exceeds the height and plot ratio provisions of the Tallaght Town Centre Local Area Plan 2020.

As the site has currently been separated into 2 development parcels, the Planning Authority has been very clear that each application site must function independently of each other, and no overlap of car parking or public open space provision will be considered acceptable. In this regard, the potential overall plot ratio for the landholding cannot be considered where other development has not been permitted. Furthermore, the LAP provides a very clear vision for a height strategy in the Cookstown Neighbourhood. This strategy is informed by population targets and the level of services provided and proposed within the Tallaght area. Additional height is supported in areas where it can be demonstrated that there is frequent, high-capacity public transport. The Planning Authority does not consider that, given the existing environment within Cookstown, and the interim measures proposed, that the site is acceptably connected to the high-capacity public transport such that it would justify an increase in height at the site. In addition, it is not considered that a significant public gain would be achieved by permitting the scheme and therefore no relaxation in the implementation of the height or plot ratio strategy of the LAP is considered appropriate. In this regard, it is not considered that the applicant has complied with the requirements of the Development Plan or the LAP and to grant the development would be contrary to the interests of the proper planning and sustainable development of the area.

4. Through the additional SUDS interventions, the applicant has increased the Green Space Factor score for the site from 0.23 to 0.32, however this score falls short of the required 0.5 for a ‘REGEN’ zoned site, a shortfall of 0.18 still persists. The applicant has proposed measures including the installation of bat boxes, swift boxes and creating an area for solidarity bees at roof level however these measures are not deemed sufficient to make up this shortfall and additional measures would be required. It is noted that underground attenuation is still proposed as part of the surface drainage scheme and this is not acceptable. It is considered that there are further interventions that the applicant could have utilised to improve the GSF for the site, and also the level of natural SuDS utilised. The proposed development therefore does not comply with GI5 Objective 4 (which relates to implementation of the Green Space Factor) of the South Dublin County Development Plan 2022 - 2028 and to permit the scheme would be contrary to the proper planning and sustainable development of the area.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 (as amended). Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001 (as amended), have been considered in the determination of this application.

**Register Reference: SD22A/0361**

Signed on behalf of the South Dublin County Council.

Yours faithfully,

*Pamela Hughes* 23-May-2023  
for **Senior Planner**

## NOTES

### **(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION**

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

### **(A) APPEALS**

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
  2. The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
  3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
  4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
  5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
  6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:

- (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development .....€4.500.00 or €9.000 if an E.I.A.R. is involved
- (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1.500.00 or €3,000.00 if an E.I.A.R. is involved
- (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b) .....€660.00
- (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) .....€220.00
- (e) Application for leave to appeal.....€110.00
- (f) Appeal following a grant of leave to appeal .....€110.00
- (g) Referral .....€220.00
- (h) Reduced fee (payable by specified bodies).....€110.00
- (i) Submission or observations (by observer).....€50.00
- (j) Request from a party for an Oral Hearing .....€50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at

Telephone 01-858 8100