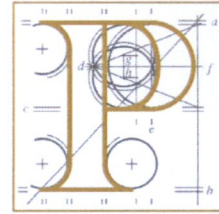


Our Case Number: ABP-317394-23

Planning Authority Reference Number: SD22A/0361



An
Bord
Pleanála

Land Use Planning & Transportation

05 MAR 2024

South Dublin County Council

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Date: 04 MAR 2024

Re: Demolition of 1-3 storey industrial/commercial structures and café, construction of a 1-5 storey Transitional Care Facility providing 131 bedspaces over partial basement with central courtyard, partial provision pocket park, new vehicular access from First Avenue and egress onto Cookstown Road, bicycle storage, car parking, set-down parking spaces, 1 ambulance set-down space, delivery/loading area, vehicular and pedestrian access including internal road and footpaths and all associated site development works,
Unit 21, First Avenue, Cookstown Industrial Estate, Dublin 24

Board Direction Attached

Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned matter under the Planning and Development Acts 2000 to 2022. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

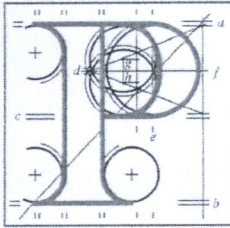
Yours faithfully,

Rory Kellely
Executive Officer

BP100PAN

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



An
Bord
Pleanála

Board Order
ABP-317394-23

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD22A/0361

APPEAL by Bartra Property Cookstown Limited care of Brock McClure Planning and Development Consultants of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 23rd day of May, 2023, by South Dublin County Council to refuse permission.

Proposed Development: Demolition of all existing one to three storey industrial/commercial structures and small cafe on site totalling circa 5,500 square metres in area; Construction of a one to five storey Transitional Care Facility (step-up/step-down) providing 131 bedspaces over partial basement (total floor area circa 6,743 square metres) with central courtyard (circa 519 square metres); The basement consists of a sprinkler tank and pump rooms, water tank room, plant room and workshop; Provision of dining and kitchen areas, sitting/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 Local Area Plan (circa 1,286 square metres); 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, one ambulance set-down space serving the facility and delivery/loading areas to First Avenue, all at Unit 21, First Avenue, Cookstown Industrial Estate, Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

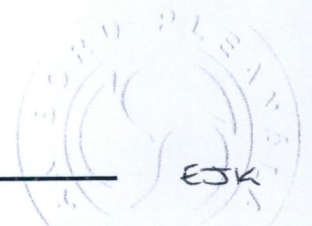
1. The Board had regard to the South Dublin County Development Plan 2022-2028, Objective 11 of Policy EDE4 supporting “the regeneration of the Tallaght Local Area Plan lands in a co-ordinated and sustainable manner in accordance with the Tallaght Town Centre Local Area Plan 2020”, and Objective IS 1 setting out in that Plan that development of the identified regeneration lands in Cookstown should generally be phased whereby “ development should extend outwards from the town centre and high-quality public transport with land closest to the centre and public transport nodes being given preference, that is, ‘leapfrogging’ to stand alone or isolated areas should be avoided; and a strong emphasis

will be placed on encouraging infill opportunities adjacent to compatible existing uses and ensuring better use of under-utilised lands”.

The Board noted the proposed development is located centrally in an industrial area of Tallaght where the adjoining uses are low density and commercial in nature, and where the existing road network lacks high quality cycle and pedestrian facilities. Notwithstanding the proposed interim upgrades to pedestrian and cycling facilities, the proposed development whose residents, visitors and staff would be predominantly reliant on access by foot or bike would remain physically isolated from high quality pedestrian and cycling facilities towards Tallaght Town Centre and the Belgard Luas.

The Board considered that no exceptional circumstances existed through the proposed development to justify this principle being contravened. The proposed development would therefore be contrary to Objective IS 1 of the Tallaght Town Centre Local Area Plan and to Policy EDE4 Objective 11 of the South Dublin County Development Plan 2022-2028.

2. The Board noted the Tallaght Town Centre Local Area Plan 2020 provides significant guidance regarding the scale and intensity of development permissible including specific ranges in terms of plot ratio for Cookstown Parcel CT-C in which the proposed development site is located and building height for the Cookstown Neighbourhood. The Board considered that the plot ratio and building height ranges applied for by the applicant exceed the clearly stated ranges for such under the Local Area Plan and that the location and development does not meet the criteria allowing for an increase in height above specified ranges by two to four-storeys or an uplift in plot ratio by 20% as set out under Section 2.6 of the Local Area Plan.



The Board further noted the requirements of Objective 4 of Policy GI5 of the South Dublin County Development Plan 2022-2028 and the insufficient green space factor score proposed by the applicants.

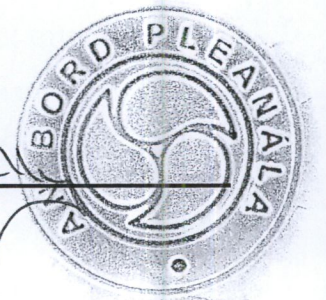
Given the very limited emphasis on vehicular transport as part of this proposed development, the Board also considered as insufficient the provision for cycle transport in the site.

The proposed development would be contrary to the stated policy of the Local Area Plan, would constitute overdevelopment of the site, and would set an undesirable precedent for other development in the Local Area Plan lands. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

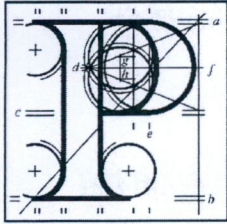
Eamonn James Kelly

Eamonn James Kelly

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



Dated this *4th* day of *March*, 2024.



An
Bord
Pleanála

Board Direction
BD-015458-24
ABP-317394-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/02/2024.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. The Board had regard to the South Dublin County Development Plan 2022-2028, Objective 11 of Policy EDE4 supporting "the regeneration of the Tallaght Local Area Plan lands in a co-ordinated and sustainable manner in accordance with the Tallaght Town Centre Local Area Plan 2020", and Objective IS 1 setting out in that Plan that development of the identified regeneration lands in Cookstown should generally be phased whereby "development should extend outwards from the town centre and high-quality public transport with land closest to the centre and public transport nodes being given preference, i.e. 'leapfrogging' to stand alone or isolated areas should be avoided; and a strong emphasis will be placed on encouraging infill opportunities adjacent to compatible existing uses and ensuring better use of under-utilised lands".

The Board noted the proposed development is located centrally in an industrial area of Tallaght where the adjoining uses are low density and commercial in nature and where the existing road network lacks high quality cycle and pedestrian facilities. Notwithstanding the proposed interim upgrades to pedestrian and cycling facilities, the proposed development whose residents, visitors and staff would be predominantly reliant on access by foot or bike would

remain physically isolated from high quality pedestrian and cycling facilities towards Tallaght Town Centre and the Belgard Luas.

The Board considered that no exceptional circumstances existed through the proposed development to justify this principle being contravened. The proposed development would therefore be contrary to Objective IS 1 of the Tallaght Town Centre Local Area Plan and to Policy EDE4 Objective 11 of the South Dublin County Development Plan 2022-2028.

2. The Board noted the Tallaght Town Centre Local Area Plan 2020 provides significant guidance regarding the scale and intensity of development permissible including specific ranges in terms of plot ratio for Cookstown Parcel CT-C in which the proposed development site is located and building height for the Cookstown Neighbourhood. The Board considered that the plot ratio and building height ranges applied for by the applicant exceed the clearly stated ranges for such under the Local Area Plan and that the location and development does not meet the criteria allowing for an increase in height above specified ranges by 2-4 storeys or an uplift in plot ratio by 20% as set out under Section 2.6 of the Local Area Plan.

The Board further noted the requirements of Objective 4 of Policy GI5 of the South Dublin County Development Plan 2022-2028 and the insufficient green space factor score proposed by the applicants.

Given the very limited emphasis on vehicular transport as part of this proposed development, the Board also considered as insufficient the provision for cycle transport in the site.

The proposed development would be contrary to the stated policy of the Local Area Plan, would constitute overdevelopment of the site and would set an undesirable precedent for other development in the Local Area Plan lands.

Board Member

Eamonn James Kelly

Date: 19/02/2024

Eamonn James Kelly

Note

The Inspector's view that the provision of the pocket park required as part of land block CT-C represented an uncoordinated approach thereby contributing to the first recommended reason for refusal was not shared by the Board as the Development Plan envisages developer-led approaches to such provision. In and of itself, the Board didn't consider this to be a sufficient ground for refusal.