

An
Bord
Pleanála

Board Order ABP-311555-21M

Planning and Development Acts 2000 to 2021

Amendment of Board Order

Planning Authority: South Dublin County Council

Development Concerned:

Amendments to previously permitted ABP-303803-19 to include alterations to the layout, size and positioning of the concierge and reception area. all located at Units 5A-C Second Avenue, Cookstown Industrial Estate, Tallaght, Dublin 24.

WHEREAS the Board made a decision to refuse to make the alterations by Order dated 24th day of October 2022, in relation to the above-mentioned alteration:

AND WHEREAS it has come to the attention of the Board that a clerical error occurred in the Board Order in that the incorrect planning authority was cited in the Order. Furthermore, paragraphs 2 and 3 on the second page of the Order and paragraph on the 3rd page of the Order were inconsistent with the Board's decision to refuse permission to make the alteration,

AND WHEREAS the Board considered that the correction of the above-mentioned error would not result in a material alteration of the terms of the development,

AND WHEREAS having regard to the nature of the issue involved, the Board decided not to invite submissions in relation to the matter from persons who had

made submissions or observations in relation to the matter the subject of this amendment,

NOW THEREFORE in accordance with section 146A(1) of the Planning and Development Act 2000, as amended, the Board hereby amends the above-mentioned decision so that its order and the reason therefor shall be as follows:

REQUEST received by An Bord Pleanála on the 4th day of October 2021 from Stranwil Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin under section 146B of the Planning and Development Act 2000, as amended, to alter the terms of a permitted Strategic Housing Development the subject of a permission under An Bord Pleanála Reference Number ABP-303803-19.

WHEREAS the Board made a decision to grant permission, subject to 24 conditions, for the above-mentioned development by Order dated the 25th day of July 2019,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the proposed alteration is described as follows:

1. Alterations to the layout, size and positioning of the concierge and reception area, communal amenity areas, creche and two number commercial units provided at the ground floor and omission of the previously approved office and two number apartments to facilitate the introduction of a larger commercial unit capable of accommodating a small supermarket.
2. Removal of Core C to facilitate the introduction of a larger ground floor commercial unit and reconfiguration of the Block C's internal space across first to fifth floor levels and the introduction of a glazed link between Blocks B and C at first floor level.
3. Reconfiguration of the approved basement layout.
4. Amalgamation and consolidation of communal amenity space serving the development at ground floor level.

5. Relocation of the substation and switch room previously proposed in Block D to Block A and associated alterations to previously approved ground floor Apartments 2 and 3 in Block D and Apartments 1 and 2 in Block A.
6. Minor alterations to party walls in Blocks A, B and D to accommodate a number of one-bedroom apartments in lieu of previous approved studio apartments.
7. Minor alterations to previously approved facades, building line and internal partition walls to accommodate the aforementioned amendments and a slight increase in the number of apartments featuring within the development, from 196 number units to 204 number units.

AND WHEREAS the Board considered that the alterations would result in a material alteration to the terms of the development the subject of the permission,

AND WHEREAS having regard to the nature of the issues involved the Board decided to invoke section 146B(8)(a) of the Planning and Development Act 2000, as amended, to invite submission or observations in relation to the matter from the members of the public,

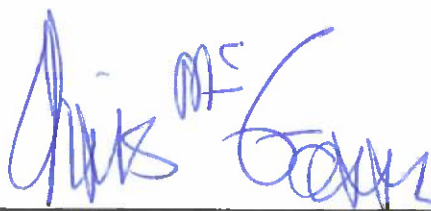
AND WHEREAS having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby refuses to alter the above-mentioned decision having regards to the following:



REASONS AND CONSIDERATIONS

On the basis of the information presented, it cannot be concluded that the proposed alterations would not represent a risk of serious damage to the Luas track bed and infrastructure, with consequential implications for the operation of the Luas Red Line. As such, the proposed alterations fail to integrate land-use planning with the regional transport strategy; enhance strategic land networks; and protect the strategic capacity of the metropolitan area transport network; contrary to Policy SM1, SM1 Objective 3 and SM1 Objective 5 of the of the South Dublin County Development Plan 2022, as well as Regional Policy Objectives 8.1, 8.2 and 8.3 under the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031. The proposal is also contrary to guidance in Project Ireland 2040 National Planning Framework which identifies that improving strategic infrastructure, including expansion and improvement of Luas networks, is key to Dublin's continued performance, which is critical to Ireland's overall competitiveness.

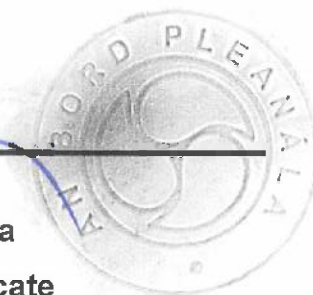


Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this
2023

th day of March