

Planning and Development Acts 2000 to 2021

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD21A/0196

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 8th day of September, 2021 by South Dublin County Council to refuse permission for the proposed development.

Proposed Development: Demolition of all existing one to three storey industrial/commercial structures and small café on site totalling circa 5,500 square metres in area; construction of a one to five storey nursing home/step-down facility (131 number bedspaces) over partial basement (total floor area circa 6,743 square metres) with central courtyard (circa 519 square metres); construction of a deck-access apartment development comprising 139 number residential units arranged in two number blocks (Block A – eight storeys and Block B – five to six storeys) with a total floor area of circa 10,556 square metres excluding deck access (circa 1,141 square metres); two number commercial units comprising a café and pharmacy located at ground floor level facing Cookstown Road in residential Block A (circa 292 square metres in area); the residential development consists of 67 number one bed/two person units, 12 number two bed/three person units and 60 number two bed/four person units with north, south, east and west facing balconies throughout and residents amenity area at ground floor level. Central communal open space (circa 1,272 square metres); the basement serving the

nursing home consists of a sprinkler tank and pump rooms, 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 nursing home; provision of an ESB substation, switchboards, waste areas, water tanks and generator serving Blocks A and B; lobbies, stair/lifts, photovoltaic panels and green roofs throughout; partial provision of the pocket park identified in the Tallaght Local Area Plan (circa 1,165 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 nursing home; 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, attenuation/bioretention systems, vehicular and pedestrian access including internal road and footpaths, public realm upgrade works, landscape and boundary treatment works, tree removal, bicycle storage (307 number spaces), car parking (42 number spaces), set-down parking spaces including one number ambulance space serving the nursing home and delivery/loading areas to Cookstown Road and First Avenue, all on site of circa 1.39 hectares 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.

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.

Reasons and Considerations

1. The proposed development would in the current context where the environs of site is generally in employment and commercial use, be physically isolated from compatible uses and in the absence of confirmed adequate connections and linkages in terms of pedestrian and cycle links towards the town centre and to key public transport routes, would constitute a poor standard of residential amenity for prospective occupants and would give rise to residential and commercial 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). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

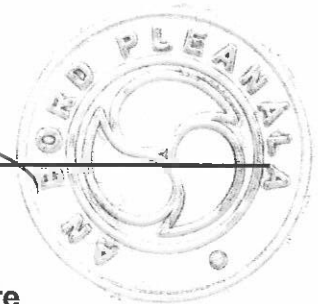
2. The proposed development would materially contravene the policies and objectives of the Tallaght Town Centre Local Area Plan 2020-2026 in respect of building height and plot ratio. Having regard to the provisions of this plan, which are considered reasonable, and to the nature, extent, scale and layout of the proposed development, including the eight storey height of Block A along First Avenue and along the internal street within the proposed scheme, the poor provision for pedestrian movement within the site and the dominance of surface car parking, the Board is not satisfied that a material contravention of the plan would be justified and further, that such material contravention of the plan, by itself and by the precedent it would set, would compromise the coherent redevelopment and regeneration of this site and the wider area in a manner consistent with the overall provisions of the Local Area Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information submitted with the application and appeal, the Board is not satisfied that the applicant has demonstrated that the proposed development can be accommodated within the existing public wastewater network. In the absence of confirmed evidence within the application and appeal documentation, that the existing network can accommodate wastewater arisings generated from this specific scheme at this site, or the identification of the nature and scope of any upgrades and works, including the timeframe for implementation of same, which would be necessary to facilitate the connection of the proposed development to the wastewater network, it is considered that the proposed development would be premature. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Chris McGarry

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



Dated this 17th day of April 2022.