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**Planning and Development Acts 2000 to 2022**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: LRD23A/0010**

**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 19<sup>th</sup> day of October, 2023, by South Dublin County Council to refuse permission.

**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 deck-access apartment development comprising 123 residential units arranged in two number blocks (Block A, five to seven storeys and Block B, five to six storeys) with a total floor area of circa 9,806 square metres including the proposed bike shelter (circa 93 square metres) and excluding deck access (circa 901 square metres); Commercial floor space located at ground floor level facing Cookstown Road in Residential Block A (circa 421 square metres); The residential development consists of 58 number one-bed/two-person units, 12 number two-bed/three-person units and 53 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 1,303 square metres); 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 Project (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; 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, pedestrian facilities/public realm upgrade works, landscape and boundary treatment works, tree removal, bicycle storage (302 number total spaces) comprising 276 number spaces (serving proposed mixed use development) and 26 number spaces (serving concurrent transitional care facility application), car parking (32 number total spaces) comprising 15 number spaces (serving proposed mixed use development) and 17 number spaces (serving concurrent transitional care facility application), two number loading bays (one each on First Avenue and Cookstown Road), two number setdown/loading areas to the internal road and one number ambulance setdown space serving the adjacent concurrent proposed Transitional Care Facility. The concurrent application has been made to South Dublin County Council regarding a 131-bed Transitional Care Facility on the western portion of the site (South Dublin County Council Reference number SD22A/0361 refers) currently under appeal to An Bord Pleanála (ABP Reference 317394-23), 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”.

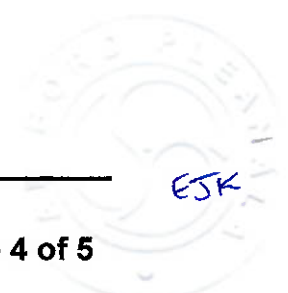
The Board noted the proposed development is located centrally in an industrial area of Tallaght where the adjoining uses are low density and commercial in nature and where the existing road network lacks high quality cycle and pedestrian facilities. Notwithstanding the proposed interim upgrades to pedestrian and cycling facilities, the proposed development whose residents 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 which 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 Board, therefore, considered the proposed development would be contrary to the stated policy of the South Dublin County Development Plan 2022-2028 and the Tallaght Town Centre Local Area Plan 2020, would constitute overdevelopment of the site, including to the detriment of future residential amenity, and would set an undesirable precedent for other development within 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 *4<sup>th</sup>* day of *March*, 2024.