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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dublin City Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 5<sup>th</sup> day of April 2022 by Lismore Homes Limited care of Kieran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin.

**Proposed Development comprises of the following:**

The development will consist of the construction of 1,007 number apartments (consisting of 58 number studio units (38.1 to 52.3 square metres), 247 number one-bedroom units (48.9 to 79.7 square metres), 94 number two-bedroom three number person units (67.3 to 80.42 square metres), 563 number two-bedroom four number person units (77.7 to 106.1 square metres), and 45 number three-bedroom units (93.5 to 130.66 square metres), six number communal residential community rooms, and a ground floor creche in 16 number buildings with heights varying from four to twelve storeys, basement and surface level car parking, secure bicycle parking, landscaping, water supply connection at Red Arches Road, and all ancillary site development works on a circa 6.1 hectare site as follows:

1. The proposed residential development will consist of 1,007 number residential apartments (58 number studio units, 247 number one-bedroom units, 94 number two-bedroom three number person units, 563 number two-bedroom four number person units, and 45 number three-bedroom units as follows:

- Block 1, sector 6A/6B, five storey building with 59 number apartments with balconies and solar panels at roof level.
- Block 2, sector 6A/6B, five storey building with 39 number apartments with balconies and solar panels at roof level.
- Block 3, sector 6A/6B, five and six storey building with 63 number apartments with balconies and solar panels at roof level.
- Block 4, sector 6A/6B, six storey building with 47 number apartments with balconies and solar panels at roof level.
- Block 5, sector 6A/6B, five storey building with 39 number apartments with balconies and solar panels at roof level.
- Block 6, sector 6A/6B, five storey building with 39 number apartments with balconies and solar panels at roof level.
- Block 7, sector 6A/6B, five and six storey building with 49 number apartments with balconies and solar panels at roof level.
- Block 1, sector 7, part five, six, seven and eleven storey building with 98 number apartments with balconies and solar panels at roof level.
- Block 2, sector 7, part five, seven, nine and twelve storey building with 125 number apartments with balconies and solar panels at roof level.
- Block 3, sector 7, part five, six, seven, eight and ten storey building with 110 number apartments with balconies and solar panels at roof level.
- Block 1, sector 8A, part five, six, seven and eleven storey building with 131 number apartments with balconies and solar panels at roof level.
- Block 2, sector 8A, five storey building with 13 number apartments with balconies and solar panels at roof level.
- Block 1, sector 8B, part five, six and eleven storey building with 96 number apartments with balconies and solar panels at roof level.
- Block 2, sector 8B, six and seven storey building with 29 number apartments with balconies and solar panels at roof level.
- Block 1, sector 8C, part four, five and eight storey building with 48 number apartments with balconies and solar panels at roof level.

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- Block 2, sector 8C, four and five storey building with 22 number apartments with balconies and solar panels at roof level.
  - Six number Communal Residential Community Rooms and Facilities of circa 515 square metres located at ground floor level in Block 7 (sector 6A/6B), Block 2 (sector 7), Block 2 (sector 8A), and Block 1 (sector 8B), and external communal amenity space of circa 1.35 hectare provided at ground level throughout the scheme.
2. A ground floor crèche (gross floor area of 800 square metres) with dedicated outdoor play area of circa 208 square metres is proposed at Block 1, Sector 8A with 14 number dedicated crèche car parking spaces.
  3. A total 743 number car parking spaces are proposed at basement level (605 number spaces) and at surface level (138 number spaces including 14 number crèche car parking spaces) and 1,754 number bicycle parking spaces for residents and 500 number bicycle spaces for visitors are proposed in covered and secure parking facilities at ground level throughout the scheme.
  4. Upgrade the public watermain for circa 170 metres along Red Arches Park to connect to the existing watermain at Red Arches Road as required by Irish Water.
  5. Pedestrian, cyclist, and vehicular access will be provided at Red Arches Park, Stapolin Avenue, Ireland's Eye Avenue, and Stapolin Way.
  6. The development will also provide for all associated ancillary site development infrastructure including: Electricity Supply Board substations, bin stores, plant rooms, public lighting, new watermain connection to the south at Red Arches Road, foul drainage to the existing pumping station at Stapolin Haggard, and surface water drainage to the west; roads and footpaths; landscaping; new boundary treatment to proposed Racecourse Park (An Bord Pleanála Reference Number ABP-311315-21) and remove existing boundary to Red Arches Drive; and all associated site development works necessary to facilitate the proposed development all located at the townland of Stapolin, Baldoyle, Dublin 13.

## Decision

**Refuse permission for the above proposed development based on the reasons and considerations set out below.**

## Reasons and Considerations

1. The site is within and adjoining a designated 'Highly Sensitive Landscape' as per the Fingal County Development Plan 2017-2023, wherein Objective NH36 and Local Objective Point 95 aim to ensure that new development does not impinge in any significant way on the character, integrity, distinctiveness, and scenic value of such areas, including the greenbelt to the north of the site.

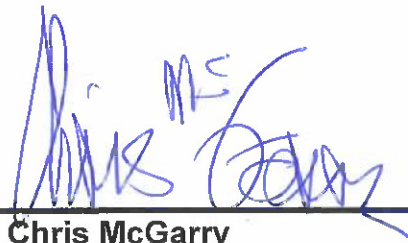
Having regard to the massing and height strategy proposed, it is considered that the proposed development would result in an excessive scale, bulk, and massing at the interface with the greenbelt, would fail to appropriately integrate with the surrounding landscape character and public realm, and would be seriously injurious to the visual amenity of the area.

Furthermore, the design and layout of the proposed development fails to appropriately incorporate the 'green routes' and public spaces through the site in accordance with the provisions of the Baldoyle-Stapolin Local Area Plan 2013 (as extended to May 2023). The proposed development would be deficient in terms of quality architectural design, and provision of public open space, would result in poor permeability and would constitute an inappropriate overdevelopment of the site which would fail to provide a successful urban form at this location and would, therefore, be contrary to the overarching RA Zoning Objective which seeks to provide for new residential communities subject to the provision of the necessary social and physical infrastructure.

The proposed development proposal would, therefore, not provide an acceptable contribution to place-making, not respond appropriately to the surrounding natural environment, nor provide appropriate legibility through the site to the wider urban area. Having regard to the above, the scale, height and density of the proposed development would not be justified under the criteria set out in Section 3.2 and Specific Planning Policy Requirement 3 of

the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- Objectives DMS57A and DMS57B of the Fingal County Development Plan 2017-2023 require that a minimum 10% of a proposed development site area be designated for use as public open space. On the basis of the information submitted with the application regarding the delivery of public open space on lands outside the subject site, the Board is not satisfied that the proposed development meets the requirements of these objectives. The development is, therefore, considered to materially contravene the development plan in relation to the provision of public open space to serve the proposed apartments. This issue has not been addressed in the applicant's Material Contravention Statement and the subject application, therefore, it does not meet the requirements of section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended. The Board, therefore, cannot invoke section 37(2)(b) of the Planning and Development Act 2000, as amended, and is precluded from granting permission.



**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**



Dated this

16<sup>th</sup> day of March

2023