

Applicant: LISMORE HOMES LTD.



STRATEGIC HOUSING DEVELOPMENT

PLANNING APPLICATION

PROPOSED RESIDENTIAL DEVELOPMENT

at

Stapolin-Baldoye, Coast Road, Baldoye, Dublin 13,

PLANNING REPORT

**Kieran O'Malley and Company Limited
Town Planning Consultants**

March 2022

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1. INTRODUCTION

1.0.1 This Planning Report has been prepared to accompany a Strategic Housing Development (SHD) Planning Application to An Bord Pleanála on behalf of Lismore Homes Limited. The subject site is located in the townland of Stapolin, Baldoyle, Dublin 13 and forms part of the Coast residential development. The site extends to c. 6.1 hectares and primarily consists of the lands referred to as Growth Area 2 (GA2) within the Baldoyle-Stapolin Local Area Plan 2013 (as extended).

1.0.2 The proposal is for a strategic housing development comprising the construction of 1,007 residential apartments (consisting of 58 no. studio units, 247 no. 1 bedroom units, 94 no. 2 bedroom 3 person units, 563 no. 2 bedroom 4 person units, and 45 no. 3 bedroom units), communal residential community rooms, and a ground floor creche in 16 no. buildings with heights varying from 4 to 12 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 site located in the townland of Stapolin, Baldoyle, Dublin 13.

1.1 The Applicant

1.1.1 Lismore Homes Limited is a registered company (CRO no. 70287) with its registered address at Unit H3, Centre Point Business Park, Oak Road, Dublin 12, D12 A662.

1.2 The Application Site

1.2.1 The application site is outlined red on the Site Location Map [Drg. No. BALN5-CCH-00-ZZ-DR-A-014]. The site consists of three primary blocks of land for residential development, the associated roadways between and adjoining those development blocks, and c. 170 metres of Red Arches Park to facilitate a watermain connection at Red Arches Road as requested by Irish Water. The site is effectively Growth Area 2 (GA2) per the Baldoyle Stapolin Local Area Plan 2013 (as extended).

1.2.2 The subject site measures 6.1 ha. Other lands within the registered ownership of Helsingor Limited that adjoin the site are outlined blue on the Site Location Map as per Article 22(2)(b)(ii) of the Planning and Development Regulations 2001 (as amended). The site forms part of the overall Coast residential community that has been planned on c. 41 hectares of residential zoned land around Clongriffin DART station with the c. 80 hectares proposed Racecourse Park to the north, northeast, and east of the overall Coast development.

1.2.3 A land registry search on the 25th March 2022 confirms that Helsingor Limited is the registered owners of folio DN3241 and folio DN132779F – see Appendix A.

1.3 Legal Interest in the Site

1.3.1 Penshanko Limited purchased, inter alia, c. 4.394 hectares of land at Stapolin-Baldoyle from Helsingor Limited by Memorandum of Agreement made on 24th July 2003 - Folio DN 162698F Co. Dublin refers. The Memorandum of Agreement dated 24th July 2003 between Penshanko Limited and Helsingor Limited includes legally binding provisions for both parties that run with the land including as set out in paragraph 4.10 that each shall have the right to apply for Planning Permission on their respective lands. Paragraph 4.10 of the Memorandum of Agreement made on 24th July 2003 is below.

4.10 When applying for Planning Permission for residential development on the Transfer Lands or part thereof the Purchaser its successors and assigns shall be entitled, subject to substantial observance of the Action Plan and the Master Plan to include and use in its said application(s), Open Space, Estate Roads, Access Roads, Services, Utilities, Items and on-street parking on the side of the Extension Roads abutting the Transfer Lands on the Retained Lands (as per the Action Plan and/or

the Master Plan) necessary for compliance with the requirements of the Planning Authority and in particular to comply with anticipated conditions which the Planning Authority would reasonably be expected to impose in any Planning Permission for residential development on the Transfer Lands in relation to matters outside the curtilage of the Transfer Lands and to apply in its said application for Planning Permission on such parts of the Retained Lands as are necessary for the servicing of and access to the Transfer Lands in respect of any of the above matters in this sub-condition 4.10 in compliance with the Master Plan and the Estate Roads and Services layout shown in Map 3 for which Planning Permission is required by the Planning Authority and for which no applicable Planning Permission exists.

Source: the Legally Binding Agreement that runs with the land dated 24th July 2003 between Peshanko Limited and Helsingor Limited.

- 1.3.2 The application site (comprising c. 4.394 hectares) is owned by Peshanko Limited and the balance (comprising c. 1.706 hectares) is owned by Helsingor Limited. Pursuant to legally binding Memorandum of Agreement made on 24th July 2003 between Peshanko Limited and Helsingor Limited, Peshanko Limited has the legal entitlement to include part of the Helsingor lands in the application site.
- 1.3.3 By letter dated 24th October 2007 from BCM Hanby Wallace Solicitors (for Helsingor Limited) to Delahunt Solicitors (for Peshanko Limited) which has stamped thereon "04-08-11 F11A/0290 Fingal C. C. Pl. DEPT" it was stated "*On behalf of our above named client and on its instruction, we hereby confirm the consent of Helsingor Limited to the inclusion of the lands identified on the map attached hereto and located between the Blocks on the Peshanko lands, in the planning application to be submitted by Peshanko Limited*" (see Appendix B).
- 1.3.4 Peshanko Limited has the legal authority to file an application on the subject site at Stapolin Baldoyle. By letter dated 17th February 2022, Peshanko Limited assigns their authority and consent to Lismore Homes Limited to make this application to An Bord Pleanála (see Appendix C).

1.4 Description of the Proposed Development

- 1.4.1 The proposed development has been described as follows in the statutory site and newspaper notices:

We, LISMORE HOMES LIMITED, intend to apply to An Bord Pleanála for permission for a strategic housing development at a site of c. 6.1 ha in the townland of Stapolin, Baldoyle, Dublin 13, referred to as Growth Area 2 (GA2) Lands in the Baldoyle-Stapolin Local Area Plan 2013 (as extended) and which forms part of the wider landholding of lands formerly known as the Coast, Baldoyle, Dublin 13. The lands are bound by existing and proposed residential areas to the west and south, and the future Racecourse Park to the north and northeast.

The development will consist of the construction of 1,007 apartments (consisting of 58 no. studio units (38.1 – 52.3 sq.m.), 247 no. 1 bedroom units (48.9 – 79.7 sq.m.), 94 no. 2 bedroom 3 person units (67.3 – 80.42 sq.m.), 563 no. 2 bedroom 4 person units (77.7 – 106.1 sq.m.), and 45 no. 3 bedroom units (93.5 – 130.66 sq.m.), 6 no. communal residential community rooms, and a ground floor creche in 16 no. buildings with heights varying from 4 to 12 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 c. 6.1 hectare site as follows:

1. *The proposed residential development will consist of 1,007 no. residential apartments (58 no. studio units, 247 no. 1 bedroom units, 94 no. 2 bedroom 3 person units, 563 no. 2 bedroom 4 person units, and 45 no. 3 bedroom units as follows:*
 - *Block 1, sector 6A/6B, 5 storey building with 59 no. apartments with balconies and solar panels at roof level*
 - *Block 2, sector 6A/6B, 5 storey building with 39 no. apartments with balconies and solar panels at roof level*
 - *Block 3, sector 6A/6B, 5 & 6 storey building with 63 no. apartments with balconies and solar panels at roof level*
 - *Block 4, sector 6A/6B, 6 storey building with 47 no. apartments with balconies and solar panels at roof level*
 - *Block 5, sector 6A/6B, 5 storey building with 39 no. apartments with balconies and solar panels at roof level*
 - *Block 6, sector 6A/6B, 5 storey building with 39 no. apartments with balconies and solar panels at roof level*
 - *Block 7, sector 6A/6B, 5 & 6 storey building with 49 no. apartments with balconies and solar panels at roof level*
 - *Block 1, sector 7, part 5, 6, 7 & 11 storey building with 98 no. apartments with balconies and solar panels at roof level*
 - *Block 2, sector 7, part 5, 7, 9 & 12 storey building with 125 no. apartments with balconies and solar panels at roof level*
 - *Block 3, sector 7, part 5, 6, 7, 8 & 10 storey building with 110 no. apartments with balconies and solar panels at roof level*
 - *Block 1, sector 8A, part 5, 6, 7 & 11 storey building with 131 no. apartments with balconies and solar panels at roof level*
 - *Block 2, sector 8A, 5 storey building with 13 no. apartments with balconies and solar panels at roof level*
 - *Block 1, sector 8B, part 5, 6 & 11 storey building with 96 no. apartments with balconies and solar panels at roof level*
 - *Block 2, sector 8B, 6 & 7 storey building with 29 no. apartments with balconies and solar panels at roof level*
 - *Block 1, sector 8C, part 4, 5 & 8 storey building with 48 no. apartments with balconies and solar panels at roof level*
 - *Block 2, sector 8C, 4 & 5 storey building with 22 no. apartments with balconies and solar panels at roof level*
 - *6 no. Communal Residential Community Rooms/Facilities of c. 515 sq.m. 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 c. 1.35 ha. provided at ground level throughout the scheme*
2. *A ground floor crèche (gross floor area of 800 sq.m.) with dedicated outdoor play area of c. 208 sq.m. is proposed at Block 1, Sector 8A with 14 no. dedicated crèche car parking spaces.*

3. *A total 743 no. car parking spaces are proposed at basement level (605 no. spaces) and at surface level (138 no. spaces including 14 no. crèche car parking spaces) and 1,754 no. bicycle parking spaces for residents and 500 no. bicycle spaces for visitors are proposed in covered and secure parking facilities at ground level throughout the scheme.*
4. *Upgrade the public watermain for c. 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: ESB sub-stations, 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 (ABP ref. JP06F.311315) and remove existing boundary to Red Arches Drive; and all associated site development works necessary to facilitate the proposed development.*

The proposed development will integrate with the permitted Strategic Housing Developments at the GA1 lands to the south (ABP ref. TA06F.310418) and GA3 lands to the west (ABP ref. TA06F.311016) for which an overall total of 2,202 residential units were approved by An Bord Pleanála.

- 1.4.2 An Environmental Impact Assessment Report (EIAR) has been prepared by Awn Consulting and an Appropriate Assessment Screening & Natura Impact Statement - Information for a Stage 1 (AA Screening) and Stage 2 (Natura Impact Statement) AA for a proposed development at Baldoyle-Stapolin Growth Area 2 (GA2), Baldoyle, Dublin 13 has been prepared by Altamar Marine & Environmental Consultants and are submitted with this SHD application to An Bord Pleanála.
- 1.4.3 This report examines the site location, development context, planning history, and describes the proposed extent and nature of the proposed development. It also has regard to planning policies, objectives, and development management standards in the Fingal County Development Plan 2017-2023, the Baldoyle-Stapolin Local Area Plan (LAP) 2013 (as extended), and applicable Section 28 Guidelines. This report should be read in conjunction with the other reports, drawings, information, etc. pertaining to the proposed development that accompany this application to An Bord Pleanála.
- 1.4.4 The locations of Class 1 and Class 2 Open Space to serve the proposed development are shown on Drg. Nos. BALN5-CCH-00-ZZ-DR-A-010 and 012. These lands are not within the applicant's ownership and most of the lands are not within the red line boundary of the subject site. The legally binding provisions in the Memorandum of Agreement dated 24th July 2003 between Penshanko Limited and Helsingor Limited that run with the land, also include inter alia the provision of Class 1 and Class 2 Open Space for the application site.
- 1.4.5 This is the identical arrangement for the provision of Class 1 and Class 2 open space as previously proposed and approved at this site in Reg. Ref. F11A/0290 and ABP PL 06F.239732 refer, and as previously proposed in Reg. Ref. F07A/1561 and ABP 06F.228026. In both of those applications, a letter dated 2nd November 2007 from Helsingor Limited to Delahunt Solicitors confirmed that Helsingor "have agreed to make available to you client the Class 1 and 2 open space, located on our lands, which may be required by the local authority for the development of the Penshanko lands". A copy of the 2nd November 2007 Helsingor Limited letter from the 2007 planning application (see date stamp "28-11-07 F07A 1561 Fingal C C PL Dept") is included in Appendix D.

1.5 Strategic Housing Development

- 1.5.1 The proposed development comprises 1,007 no. apartments on lands zoned *RA residential to provide for new residential communities subject to the provision of the necessary social and physical infrastructure* in the Fingal Development Plan 2017 – 2023 and zoned Residential Development in the Baldoyle-Stapolin Local Area Plan 2013 (as extended). Accordingly, the proposed development comes within the scope of the definition of Strategic Housing Development as provided for in the 2016 Act as the “development of 100 or more houses on lands zoned for residential use...”.
- 1.5.2 Question 15 on the Board’s SHD Application Form requires the applicant to indicate the proportions of the gross floor areas of proposed buildings for residential uses and ancillary non-residential uses. Residential floor space represents approx. 97.5% of the proposed total gross floor space, which exceeds the 85% threshold so the proposed development constitutes a strategic housing development under the Act of 2016.

1.6 Material Contravention

- 1.6.1 As required by Section 8 of the Planning and Development (Housing) and Residential Tenancies Act 2016, a Material Contravention Statement is included with this SHD application that addresses the issues of material contraventions of the Fingal County Development Plan 2017-2023 and the Baldoyle-Stapolin Local Area Plan 2013 (as extended). The following have been addressed in the material contravention statement:
- Core Strategy
 - Car Parking
 - Density
 - % of 1 Beds (Mix of Units)
 - Building Heights
 - Construction Phasing
- 1.6.2 As set out in the accompanying material contravention statement, in this planning report and other accompanying documents, it is submitted to the Board that planning permission can be granted for the proposed development having regard to the provisions of section 37(2)(b) of the Planning and Development Act 2000 (as amended).

2. SITE LOCATION AND DEVELOPMENT CONTEXT

2.1 Site Location

2.1.1 Baldoyle is located in the northeast part of County Dublin where the administrative area of Fingal County Council borders that of Dublin City Council. It is approximately 10.5 km from O’Connell Street bridge in the centre of Dublin City, approximately 9 km from Main Street, Swords and 4 km from Howth.

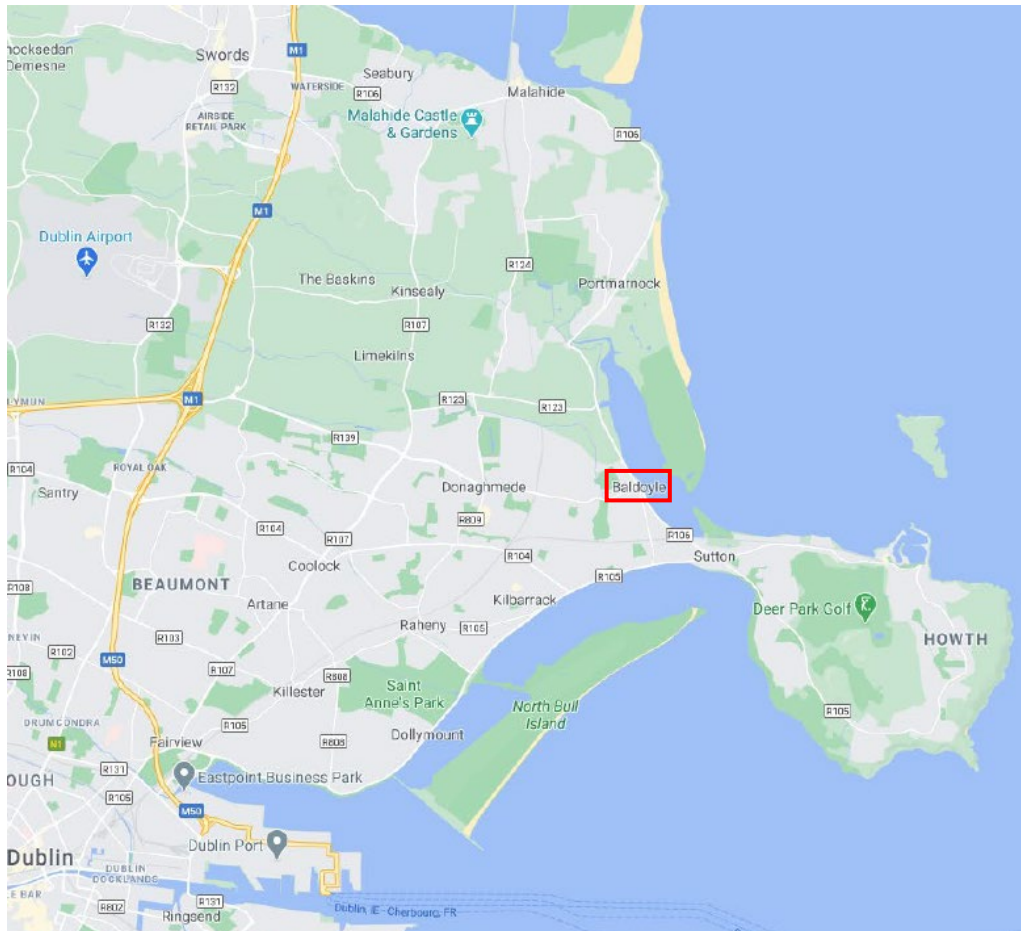


Figure 1 Site Location Map (source: Google Maps)

2.1.2 The subject site is located to the north of Grange Road (R809) and west of Coast Road (R106) and forms part of the overall Coast residential development [see Figure 2 below]. The site is situated at the north of Baldoyle urban settlement with green belt lands to the north and east. The Dublin Belfast railway line is just west of the site with substantial residential development at Clongriffin on the far side of the railway line. To the south and further southwest are the Red Arches and Myrtle residential developments that are part of the overall Coast development.



Figure 2 Site Location Map (aerial image)

2.2 Description of Site and Environs

- 2.2.1 The site forms part of a substantial area of undeveloped residential zoned land within Stapolin-Baldoye. The subject site is identified as Growth Area 2 in the Baldoye-Stapolin Local Area Plan 2013 (as extended) occupying the northeast sector of the undeveloped lands plus a c. 170 metres length of Red Arches Park that facilitates a proposed watermain connection as requested by Irish Water. Growth Area 1 is due south and southwest, and Growth Area 3 is immediately west – planning permissions have recently been issued by An Bord Pleanála for both of these growth areas but they are subject to judicial review. Red Arches residential development of houses and apartments about the southern boundary of the site. The northeastern boundary is to the proposed Racecourse Park and the proposed Stapolin Haggard public open space is situated between the site and Red Arches Drive to the south. Vehicular access to the site is currently restricted by locked gates but it is otherwise available at Coast Road and Grange Road.
- 2.2.2 There is a fall across the site from south to north. The site is presently rough ground with some development work having been carried out e.g. access roads, drainage, etc. and some areas are covered with hard core [see Drg. No. BALN5-CCH-00-ZZ-DR-A-004]. Due to the recent development and construction activity on the site and in the vicinity of it, there are few landscape features. There is a short stand of trees between sectors 8A and 8B. It is proposed to retain some of these trees as part of the proposed development.
- 2.2.3 The adjacent area to the north and east of the site consists of rough pasture land with young and mature trees, and is covered with bushes and brambles in places.
- 2.2.4 Construction development on foot of planning permissions Reg. Refs.: F16A/0412 (ABP Ref. PL 06F.248970), F20A/0258, and F21A/0046 is currently on-going on part of Growth Area 1 to the southwest.

2.3 Site Planning History

2.3.1 There were two previous planning applications for residential development on the subject site, an extension of duration application and an application for infrastructural development to facilitate residential development. Each is described below.

Req. Ref. F03A/1529 (PL 06F.205508)

2.3.2 This was a planning application by Ballymore Properties Ltd. for:

“Infrastructural development consisting of internal roads infrastructure and associated piped services infrastructure. The purpose of the infrastructural development is to serve lands subject of the Baldoyle Area Action Plan prepared by Fingal County Council in 2001” in Grange and Stapolin Townlands, Baldoyle, Dublin 13.

2.3.3 This application was approved by Fingal County Council but modified on appeal to An Bord Pleanála by the applicant.

2.3.4 The approved development provided for the construction of roads, drainage, water supply, etc. for the overall Baldoyle Stapolin development. The development was implemented and a site inspection will confirm roads to sub-base finish, footpaths and services were put in place to serve the site. Having regard to the length of time since those works were completed and have not been used, it will be necessary to grub up, remove and replace that infrastructure as part of this proposed development.

Req. Ref. F07A/1561 (PL 06F.228026)

2.3.5 This was a planning application by Regents Park Developments Limited for 422 no. residential units, 6 no. retail units, a crèche and ancillary site development works. The full description of the proposed development was as follows:

The construction of (i) 422 no. dwelling units. The dwelling units will be in nine buildings with varying building heights from three to nine storeys. The site comprises sectors 42, 43, 47 and 54 to 58 of the Stapolin Village Masterplan Design Guide and will be phase V of an overall urban community as provided for in the Baldoyle/ Portmarnock action plan. All apartments and duplex townhouses have balconies and or terraces. (ii) A three storey plus basement crèche (1,780 sq.m.) with set down parking for 6 cars at grade, and 6 no. staff car parking spaces at basement level; (iii) 6 no. two storey (ground and basement level) retail units (total gross floor area of 2,731 sq.m.); (iv) 151 no. car parking spaces at surface level and 692 no. underground car parking spaces for the entire proposed development; (v) 7 no. ESB sub-stations at surface level; (vi) Bicycle stores, bin stores, private residential stores, services rooms, car park utility/storage area, plant rooms, etc. all at basement level; (vii) Bin stores at surface level; (viii) Ground floor management/concierge office (22 sq.m.) and separate stores, (ix) Landscaping; and all ancillary site development works on a 4.98 hectares site in the townland of Stapolin, Grange Road, Baldoyle, Dublin 13. The total gross floor area of the proposed development is 92,455 sq.m.

2.3.6 Planning permission was refused by Fingal County Council for 7 no. reason. That decision was appealed to An Bord Pleanála who refused planning permission citing a single reason for refusal.

Req. Ref. F11A/0290 (PL 06F.239732)

2.3.7 This was a second planning application by Regents Park Developments Limited for 400 no. dwellings units, 3 no. retail units, a crèche, etc. and ancillary site development works. The full description of that proposed development was as follows:

The construction of (i) 400 no. dwelling units consisting of 49 no. three storey 5 bed house units (25 no. with study @ 223 - 260 sq.m. and 24 no. @ 218 – 258 sq.m.), 7 no. three storey 4 bed live work units (205 - 232 sq.m.), 14 no. 3 bed duplex townhouses (152 - 176 sq.m.), 54 no. ground floor apartments with gardens (44 no. 3 bedroom units @ 123 – 180 sq.m. and 10 no. 2 bedroom units @ 92 – 115 sq.m.), 30 no. penthouse apartments with roof terraces (11 no. 4 bedroom units @ 194 – 228 sq.m., 17 no. 3 bedroom units @ 131 – 209 sq.m, and 2 no. 2 bedroom units @ 126 sq.m. each), 185 no. 3 bed apartments (123 – 180 sq.m.), and 61 no. 2 bed apartments (92 – 115 sq.m.). The dwelling units will be in fifteen buildings with varying building heights from three to eight storeys. The site comprises sectors 42, 43, 47 and 54 to 58 of the Stapolin village masterplan design guide and will be phase v of an overall urban community as provided for in the Baldoyle/Portmarnock action plan. All apartments and duplex townhouses have balconies and or terraces. (ii) A three storey crèche (430 sq.m.) with basement level storage and set down parking for 4 cars at grade and 6 no. staff car parking spaces at basement level; (iii) 3 no. retail units with basement level storage (total gross retail floor area of 356 sq.m.); (iv) 159 no. car parking spaces at surface level and 701 no. Underground car parking spaces for the entire proposed development; (v) 6 no. ESB sub-stations at surface level; (vi) bicycle stores, bin stores, private residential stores, services rooms, car park utility/storage area, plant rooms, etc. all at basement level; (vii) landscaping; and all ancillary site development works on a 4.98 hectares site in the townland of Stapolin, Grange Road, Baldoyle, Dublin 13. The total gross floor area of the proposed development is 68,867 sq.m.

- 2.3.8 Planning permission was again refused by Fingal County Council for 7 no. reasons. That decision was appealed to An Bord Pleanála who overturned the local authority decision and granted planning permission subject to 23 no. conditions.

Req. Ref. F11A/0290/E1

- 2.3.9 In March 2018, an application to extend the duration of planning permission F11A/0290 was submitted to Fingal County Council. By order dated 10th May 2018, the Council issued a decision to extend the duration of the planning permission up to 23rd May 2023. A copy of the Council's decision is in Appendix E.

2.4 Planning History on Other Undeveloped Residential Sites at Stapolin-Baldoyle

- 2.4.1 The subject site is Growth Area 2 within the residential zoned lands in the Baldoyle Stapolin Local Area Plan 2013 (as extended). There are a number of extant planning permissions relating to the adjoining Growth Area 1 and 3 as follows:

Req. Ref.: F16A/0412 (ABP 06F.248970)

- 2.4.2 A ten-year planning permission was granted by An Bord Pleanála for a proposed development comprising "550 number residential units (379 number apartments and 171 number houses) and a village centre comprising circa 1,585 square metres of commercial floorspace laid out in 13 number blocks (Blocks A1, A2, A3, B1, B2, B3, B4, C1, C2, C3, C4, C5 and D1) ranging in height from two-storeys to six-storeys" for part of the lands that comprise Growth Area 1. This approved development is currently under construction and it includes surface water drainage infrastructure that would also drain the subject site.

Req. Ref.: F20A/0258

- 2.4.3 This was an application for minor alterations F16A/0412. Accordingly to the description of the proposed development, the alterations related to approved Blocks C4, C5 and D1 only and primarily related to the alteration of external finishes and material of permitted housing units.

Planning permission was granted by Fingal County Council and the proposed development is under construction.

Reg. Ref.: F21A/0046

- 2.4.4 This was a second application for amendments to F16A/0412 and F20A/0258 including alterations to unit types with regard to external design, internal reconfiguration, removal or alterations of solar panels, and a new unit type that would result in an overall reduction in the number of units by 5. Planning permission was granted by Fingal County Council with a planning condition that omitted the proposed alteration of Unit Types and the layout of Block C3 thus the overall number of units approved under Reg. Ref.: F16A/0412 was 544 dwelling units.

ABP TA06F.310418

- 2.4.5 This was a strategic housing development application by Shoreline Partnership that sought amendments to approved plans Reg. Ref.: F16A/0412, F20A/0258 and F21A/0046 for the construction of for 882 no. residential units (135 no. houses and 747 no. apartments), creche and associated site works. The application site, which correlated to GA1 in the Baldoyle-Stapolin LAP, extended to 9.1 hectares and the scheme provided for 10 no. apartment blocks and 5 no. house groups ranging in height from 2 to 15 storeys. Planning permission was granted by An Bord Pleanála on 22nd September 2021 for the entire of the proposed development but that decision is now subject of a judicial review.

ABP TA06F.311016

- 2.4.6 This was a second strategic housing development application by Shoreline Partnership for the proposed development of the GA3 lands in the Baldoyle-Stapolin LAP. The proposed development was for 1,221 no. residential units in 9 no. apartment blocks with heights ranging from 2 to 15 storeys on a site of 6.89 hectares. Planning permission was granted by An Bord Pleanála on 23rd November 2021 for the entire of the proposed development but that decision is also now the subject of a judicial review.

- 2.4.7 It should be noted that there is a small overlap between our client's application site and that per the Growth Area 3 application that included a short length of land between sectors 6A/6B and 7 to facilitate a foul drainage connection.

2.5 Planning History on Other Undeveloped Residential Sites at Clongriffin

- 2.5.1 On the Dublin City Council side of the railway line, there are a number of extant planning permissions for higher density and high rise development as follows:

Plan No. 3634/16 (PL 29N.248713)

- 2.5.2 This was a proposed development consisting of 28 one bedroom, 97 two bedroom and 14 three bedroom apartments with ancillary common facilities including meeting rooms, gym, cycle park, concierge, entrance courtyard and roof gardens; 5 retail units (c.427 sqm total); and with 139 car spaces and ancillary engineering facilities at basement level. The proposed building heights ranged from 6 to 16 floors. Planning permission was granted by Dublin City Council and An Bord Pleanála. Construction has not yet commenced on this scheme with the permission due to expire in February 2023.

Plan No. 2569/17

- 2.5.3 Planning permission was granted by Dublin City Council and An Bord Pleanála for the development of a 7 storey hotel with 209 guest bedrooms, hotel bar/restaurant/front of house reception areas, main and secondary function rooms and meeting rooms, etc., and 20 apartments

(with balconies) for short term letting for holiday and business use at the site known as Block 19, Station Square, Clongriffin, Dublin 13. Construction has not yet commenced on this scheme with the permission due to expire later this year.

Plan No. 3894/19

- 2.5.4 Planning permission was granted by Dublin City Council for the construction of a mixed-use development (within 3 no blocks) comprising of 420 no. apartment units of which 233 no. units are residential units and 187 no. units are 'build to rent' with ancillary residential amenity facilities; 14 no. retail units, 1 no. 8 screen cinema, 4 no. cafes/restaurants and 10 no. floors of commercial office suites at plots known as 3, 13 and 15, Clongriffin, Dublin 13. Construction has not yet commenced on this scheme but the planning permission will not expire until mid-2025.

2.6 Planning History on Other Lands at Stapolin-Baldoyle

Reg. Ref.: F14A/0109

- 2.6.1 This was an application for permission consequent on the Grant of Outline Permission (Reg. Ref. F10A/0328) for (I) A part two, part three storey retirement home (total gross floor area 10,157sq.m.) with respite care including 150 no. en-suite bedrooms, 6 no. consultant rooms, 3 no. outpatient treatment rooms, physiotherapist room, reception and admin offices and ancillary patient facilities such as common rooms, quiet rooms, 2 no. libraries, lounges, roof terraces, etc.; (II) A part two, part three storey with basement hotel (total gross floor area inc. basement areas: 14,081 sq.m.), comprising 134 no. bedrooms and 16 no. suites, reception, bar and cafe, restaurant/dining area, a conference/banquet room (c.720sq.m.) a business centre inc. 8 no. meeting rooms, and a leisure centre (c.2,500 sq.m.), including a 25 metre swimming pool, gymnasium, spa and beauty treatment studios; hotel kitchen, staff areas, cold and dry storage, plant etc. all at basement level; (III) 303 car parking spaces (226 at surface level and 77 at basement level under the hotel only); (IV) Vehicular access at Red Arches Road, landscaping and all ancillary site development works on a c.5.1 hectares site at the site of the Stands, Stables and Parade Ring of the former Baldoyle Racecourse, Main Street/Coast Road, Baldoyle, Dublin 13. A Natura Impact statement has been prepared in respect of this planning application.

- 2.6.2 Planning permission was granted by An Bord Pleanála for the above proposal on 20th April 2015. An application was made to Fingal County Council for the extension of duration of the planning permission. That decision was refused by the Council but it is subject to judicial review

Reg. Ref.: F19A/0461

- 2.6.3 Planning permission was granted to Department of Education and Skills for a three storey 16 classroom Primary School building in Baldoyle (Roll Number 20519G), including a two classroom SEN base. The design also includes a general-purpose hall, support teaching spaces and ancillary accommodation, external junior play areas, secure SEN hard and soft play area and a sensory garden. The proposed project also incorporates associated car parking, access road, pedestrian access, bicycle lane, construction of 2 no. external ball courts, landscaping, connection to public services and all associated siteworks at Myrtle Road, Baldoyle, Dublin 13. This site is within the Baldoyle-Stapolin local area plan boundary.

Reg. Ref.: F21A/0498

- 2.6.4 The was an application for amendments to previously approved Planning (Reference No. F19A/0461) to the 16 Classroom Primary School for the addition of 3 No. flagpoles to the front of the school; the single storey SNU wing is to be raised in height to allow for structural build-up and parapet height to the green roof; and the polycarbonate cladding to the GP room and Library is to

be replaced with double glazed windows. Planning permission was granted by Fingal County Council on 14th December 2021 but construction is yet to commence.

ABP JP06F.311315

2.6.5 This is an application by Fingal County Council to An Bord Pleanála under Section 177AE of the Planning and Development Act 2000 (as amended) to carry out a park development project at the Racecourse Park located between Baldoyle and Portmarnock, Co. Dublin. The proposed development consists of the following works on a c. 84 hectare site:

- 4.5km of new walking and cycling routes including a bridge over the Mayne river and the repair to the railway underpass;
- Public lighting along key walking and cycling routes
- Expanding the existing car park to cater for up to 161 car parking spaces;
- Upgrading and expanding the existing playground;
- A Skate park and Teenage Adventure Playground;
- A Multi use games area;
- A dog run;
- A Bowls green;
- Four grass football pitches
- A viewing platform
- Tracing of circular archaeological feature through soft landscaping and removal of existing fence;
- Extension of existing reedbed south of Mayne river and creation of new brackish grassland north of Mayne river;
- All landscaping works in the park

2.6.6 This application was submitted in September 2021 and it was due for a decision on 9th March 2022. We understand a decision date has been put back by up to 2 months.

3. PRE-PLANNING CONSULTATION

3.1 Consultations with Fingal County Council

3.1.1 In accordance with Section 5(2) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 and pursuant to Section 247 of the Planning and Development Act, 2000 as amended, the applicant's design team attended by Microsoft Teams pre-planning meetings with the local planning authority on the following dates.

- 2nd September 2020
- 16th December 2020

3.1.2 Professional technical officials from Fingal's planning, services, parks and transportation departments attended the meetings. No further consultations were held with the Council or any statutory consultees in advance of the formal pre-application consultation submission to An Bord Pleanála.

3.2 Consultations with An Bord Pleanála

3.2.1 In accordance with Section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and the Planning and Development (Strategic Housing Development) Regulations, 2017, a pre-application consultation request was submitted to An Bord Pleanála on 4th March 2021 (ref. ABP-309599-21). A tri-partite Meeting was held with Fingal County Council, An Bord Pleanála, and the prospective applicant's design team on 20th May 2021. An Bord Pleanála issued its opinion on the 24th June 2021. A separate report is attached in response to the statement of opinion by An Bord Pleanála.

4. PROPOSED STRATEGIC HOUSING DEVELOPMENT

4.1 Site Layout and Design

4.1.1 The proposed site plan is shown on CCH Architects Drg. No. BALN5-CCH-00-ZZ-DR-A-005; an extract of the site plan is shown in figure 3 below. The overall scheme comprises a mix of 1,007 no. apartments including 58 no. studios, 247 no. one bedroom units, 657 no. two bedroom units, and 45 no. three bedroom units with a creche, communal residential community rooms plus associated car parking, cycle parking, landscaping, and other public infrastructure necessary to facilitate the development of this scheme.



Figure 3 Extract from CCH Architects Proposed Site Plan

4.1.2 The site layout plan is governed by the masterplan layout for the entire Stapolin residential lands as initially set out in the Erskine Tovatt Masterplan and more recently in the Baldoyle Stapolin Local Area Plan 2013 (as extended) and by reference to the extant planning permission F11A/0290/E1 on the site. The overall lands were planned as a series of development blocks within an overall integrated road network to create a planned residential community at Stapolin.

4.1.3 The approved residential scheme on this site incorporated the masterplan and LAP layouts and that approach is largely adopted for this latest proposal. The plot ratio of the proposed development is 1: 1.57 (96,168.1/61,000) and the site coverage is 30.6% (1.87 ha./6.1 ha.)

4.1.4 The following image is an extract from the LAP; the main body of the subject site comprises development blocks 6A, 6B, 7, 8A, 8B and 8C with some additional lands within Stapolin Haggard and Red Arches Park (to facilitate a watermain connection as required by Irish Water):



Figure 4 Extract from LAP Phasing and Sequencing Plan

4.1.5 These distinct residential development blocks significantly influence the overall site layout plan for the proposed development of the GA2 lands. Consistent with the approach approved by the Board for application Reg. Ref.: F11A/0290 (ABP Ref. 06F.239732), it is proposed to amalgamate Blocks 6A and 6B. The advantages of joining Blocks 6A and 6B together are that it provides for increased separation across the courtyards, it enables some increased building heights in this sector, and it omits a minor link road that isn't an essential part of the overall circulation within the proposed development.

4.1.6 A design statement prepared by CCH Architects is attached and inter alia it identifies the following planning objectives formed the basis for the development strategy:

- Compact urban design
- Foster community interaction
- Promote sustainable transport
- Achieve sustainable residential densities
- Encourage additional building height
- Plan an appropriate mix of unit types
- Deliver integration and connectivity with the Coast development

4.1.7 The proposed development consists of the construction of 1,007 apartments, 6 no. communal residential community rooms, and a ground floor creche in 16 no. buildings with heights varying from 4 to 12 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 c. 6.1

hectare site. The following table provides a breakdown of the number of units and building heights per development sector:

Sector	Building Heights	No. of Units
6A & 6B	5 - 6	335
7	5 - 12	333
8A	5 - 7, & 11	144
8B	5 - 7, & 11	125
8C	4, 5, & 8	70
Totals	4 - 12	1,007

4.1.8 The proposed development will be accessed via the existing and emerging pedestrian, cyclist and road network within the Coast development including at Red Arches Park, Stapolin Avenue, Ireland’s Eye Avenue, and Stapolin Way. The scheme layout has regard to the approved layout plans for GA1 (Reg. Ref. F16A/0412 (as amended) and ABP ref. TA06F.310418) and GA3 (ABP ref. TA06F.311016) and accordingly ties into those layouts. Planning permission Reg. Ref.: F03A/1162 included the roads, drainage, and other infrastructure to support a residential development of this application site and that infrastructure is in place. However, with the passage of time and in order to raise road levels, it is now proposed to grub up, remove and replace that infrastructure as part of this proposed development. These works are described in the accompanying Water Services Report and Roads Infrastructure Report prepared by J.B. Barry & Partners Limited.

4.2 Breakdown of Apartment Types

4.2.1 A detailed breakdown of the proposed accommodation for each sector is provided in the Housing Quality Statements prepared by CCH Architects. The following table details the apartment types per sector within the proposed development:

Sector	Studio	1-Bed Apt.	2-Bed Apt.	3-Bed Apt.	Totals
6A & 6B	9	106	203	17	335
7	28	60	236	9	333
8A	10	44	83	7	144
8B	11	24	83	7	125
8C	-	13	52	5	70
Totals	58	247	657	45	1,007

Apartment Types per Sector

4.2.2 With the exception of sector 8C, there is a full mix of studio, 1 bed, 2 bed and 3 bed units in each sector - there are no studio units proposed in sector 8C. There is a further mix of unit types within the 2 bed units through the provision of 94 no. 2 bed 3 person units spread through each sector of the proposal with the exception of sector 8C. The following table outlines the percentage mix of units and the floor area range of the different apartment types:

Unit Type	Mix of Units	Floor Area Range
Studio	5.8% (58)	38.1 - 52.3 sq.m.
1 Bed Units	24.5% (247)	48.9 - 79.7 sq.m.

2 Bed 3 Person Units	9.3% (94)	67.3 - 80.42 sq.m.
2 Bed 4 Person Units	55.9% (563)	77.7 - 106.1 sq.m.
3 Bed Units	4.5% (45)	93.5 - 130.66 sq.m.

Mix of Units and Floor Area Ranges per Unit Type

4.2.3 The proposed residential development will provide an appropriate mix of unit types and sizes throughout the site with a variety of apartment buildings and heights that will create a sense of place between the different residential sectors in GA2.

4.3 Childcare Provision and Other Uses

4.3.1 A purpose built crèche (gross floor area of 800 sq.m.) with dedicated outdoor play area of c. 208 sq.m. is proposed at ground floor level of Block 1, Sector 8A. It is shown with dedicated rooms for babies, 1-2 year olds, 2-3 year olds, and 3-6 year olds, various nap areas, kitchen prep area, WCs, male and female lockers, ancillary admin./office area, reception, and entrance lobby. There will be 14 no. dedicated crèche car parking spaces adjacent to the proposed creche.

4.3.2 Based on the minimum space requirements for Full Day Care Service or Part-Time Day Care Service in Child Care Act 1991 (Early Years Services) Regulations 2016, the proposed creche could provide up to 161 no. child spaces as follows:

- Babies: (120.12 sq.m allocated @ 3.5 sq.m per child) = 34 child spaces
- 1-2 yr olds: (85.86 sq.m allocated @ 2.8 sq.m per child) = 31 child spaces
- 2-3 yr olds: (92.76 sq.m allocated @ 2.35 sq.m per child) = 39 child spaces
- 3-6 yr olds: (135.30 sq.m allocated @ 2.35 sq.m per child) = 57 child spaces

4.3.3 If the proposed creche is used for sessional pre-school service or a pre-school service in a drop-in centre, there would be capacity for up to 238 child spaces based on the lower minimum of 1.818 square metres of clear floor space is available for each child attending the service.

4.3.4 It is anticipated that a combination of Full Day Care, Part Time Day Care, and Sessional services would be provided as part of a suite of creche accommodation. Excluding studio and one bedroom units per the advice of the Apartment Guidelines 2020, the proposed creche should provide 187 childcare places in accordance with the Childcare Guidelines. The proposed creche will cater for up to 238 children and thus complies with the Guidelines.

4.3.5 6 no. Communal Residential Community Rooms/Facilities of c. 515 sq.m. 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 c. 1.35 ha. provided at ground level throughout the scheme.

4.3.6 The communal residential community rooms are provided in each of the three development sectors and for convenience they are located at ground floor level. These multi-purpose rooms will be available for use by the residents only through an on-line or similar booking system operated by the management company. The anticipated uses include for private social events such as birthday parties, watching sport or movies, display of local community information, informal indoor exercise areas, and possible hot-desk type work space for persons working from home. The hours of use of the community rooms will be limited to between 8 am to 10 pm Sunday to Thursdays, and 8 am to 11 pm on Fridays and Saturdays.

4.4 Open Space

- 4.4.1 In accordance with the Fingal Development Plan 2017 – 2023, there is a requirement for 4 hectares of Class 1 and 2 public open space to serve the proposed development (see section 2.2 of the Murray and Associates Landscape Architect’s Report).
- 4.4.2 The applicant has identified c. 6 hectares of land for the provision of Class 1 and 2 public open space. This comprises c. 5.1 hectares for Class 1 public open space at Mayne Road (this is an over provision of c. 2 hectares of Class 1 open space) and 1.03 hectares for Class 2 public open space within the Coast development. The land identified for Class 1 public open space is within Fingal County Council’s current application for approval to An Bord Pleanála under Section 177AE of the Planning and Development Act 2000 (as amended) to carry out a park development project at the Racecourse Park located between Baldoyle and Portmarnock, Co. Dublin (ref. ABP JP06F.311315).
- 4.4.3 The 1.03 hectares for Class 2 public open space is shown within the Haggard, between sectors 8A and 8B, and a small area south of sector 8C. The public open space area at Stapolin Haggard was approved under planning permission Reg. Ref. F16A/0412 and 0.65 hectares of it was assigned to the GA3 application as part of its proposed Class 2 open space. The remaining 0.85 hectares has not been assigned to any extant permissions at Stapolin-Baldoyle.
- 4.4.4 In terms of the delivery of this open space, the Board is reminded of the legal obligations that run with the land are set out above in section 1.3 above that inter alia, require Helsingor Limited to provide Class 1 and 2 open space for the proposed development. This is the identical arrangement for the provision of Class 1 and Class 2 open space as previously proposed and approved at this site in Reg. Ref. F11A/0290 and ABP PL 06F.239732 refer, and as previously proposed in Reg. Ref. F07A/1561 and ABP 06F.228026. In both of those applications, a letter dated 2nd November 2007 from Helsingor Limited to Delahunt Solicitors confirmed that Helsingor *“have agreed to make available to you client the Class 1 and 2 open space, located on our lands, which may be required by the local authority for the development of the Peshanko lands”*. A copy of the 2nd November 2007 Helsingor Limited letter from the 2007 planning application (see date stamp “28-11-07 F07A 1561 Fingal C C PL Dept”) is included in Appendix D.
- 4.4.5 Furthermore, neither SHD application for Growth Areas GA1 and GA3 (see TA06F.310418 and TA06F.311016) included the Class 1 open space within the red line boundary of either application site. The GA1 scheme included its Class 2 open space provision within its application site whereas the GA3 scheme showed some within its site and 0.65 hectares at Stapolin Haggard (which was not within the application site). Neither the Board nor Fingal County Council raised any objection to the provision and delivery of Class 1 and 2 open space for the GA1 and GA3 schemes. This GA2 proposal is consistent with that accepted approach.
- 4.4.6 The proposed scheme also includes c. 1.35 hectares of communal open space within the residential courtyards throughout the scheme. High quality communal open space will be provided in the form of landscape courtyards. These open spaces will be overlooked by the proposed apartment units providing excellent passive surveillance and ensuring a high quality open space provision within the development. The Board is referred to the landscape architect’s report by Murray and Associates that sets out the open space provision within the development.

4.5 Access, Roads and Car Parking

- 4.5.1 In compliance with the Baldoyle-Stapolin LAP Objective TM 2, the proposed development seeks to put a strong emphasis on the promotion and use of sustainable forms of transport. Due to the

close proximity of the application site to existing and future high frequency and high capacity public transport services, as well as high-quality off-road cycling infrastructure, the parking strategy for the proposed development is based upon the principles of Sustainable Urban Housing: Design Standards for New Apartments 2020 in order to further promote sustainable transport modes thus minimising the need for car usage and associated car parking.

4.5.2 Accordingly, it is proposed that car parking will be provided at a reduced rate due to the exceptional public transport and cycle facilities in the area – see table below that summarises the car parking and cycle parking proposed to be provided within the proposed development. The majority of car parking will be provided in the basement areas. The basement car parking provision of 605 spaces equates to 0.6 car parking spaces per residential unit, with 124 additional visitor car parking spaces available on the surface. Bicycle parking provision amounts to a total of 1,754 surface residential cycle parking spaces (1 space per room) and 500 surface visitor cycle parking spaces (one space per two units). A creche set-down area has also been provided and 14 no. additional car parking spaces are allocated adjacent to the creche area at ground level to facilitate staff parking, short duration parking and childcare facility pickup/drop off.

	Land Use	Parking Provided	Ratio
Car Parking	Residential Units	605 Basement Car Parking Spaces	<i>0.6 spaces per residential unit</i>
		124 Surface/Visitor Car Parking Spaces	<i>1 space per 8 residential unit</i>
	Creche Facility	14 Surface Short-term/Drop-off Car Parking Spaces	<i>1 space per 58m²</i>
Cycle Parking	Residential Units	1,754 Surface Residential Cycle Parking Spaces	<i>1 bicycle space per residential bedroom</i>
		500 Surface Visitor Cycle Parking Spaces	<i>1.0 bicycle spaces per 2 residential units</i>

4.5.3 The proposed car parking strategy at 0.6 basement car parking spaces per apartment will discourage reliance on the private car and reduce the traffic impact on the surrounding area. Further, it is in line with a number of recent An Bord Pleanála decisions for similar residential developments in very close proximity to existing and proposed high quality and high frequency public transport

4.5.4 Full details of the proposed access, roads and car parking arrangements for the proposed development are set out on the enclosed plans and particulars and in the Traffic and Transport Statement, Residential Travel Plan, and Statement of Consistency with DMURS all prepared by J.B. Barry & Partners.

4.5.5 The proposed development is located adjacent to existing high quality public transport services. Clongriffin DART station is just over 230 metres from the site. That DART station was funded by Helsingor Limited and Gannon Properties and was planned at that location to serve the emerging residential communities at Stapolin, Baldoyle and Clongriffin. It caters for all DART services

between Malahide and Greystones and a limited number of northern commuter services to and from Drogheda and Dundalk.

4.5.6 There are also a number of existing Dublin Bus services nearby that inter alia provide access to Malahide, UCD, city centre, and Dublin Airport. The Bus Connects proposal identifies proposed new routes in the vicinity of the site including the proposed Clongriffin to City Centre Core Bus Corridor that would originate at Clongriffin DART station. The environs of the site are very well served with pedestrian and cyclist infrastructure, which are fully detailed in the attached Traffic and Transport Assessment prepared by JB Barry and Partners.

4.6 Residential Development Management Standards

4.6.1 The proposed development has been designed in compliance with the development management standards for residential development as set out in Chapter 12 of the Fingal County Development Plan 2017-2023 and the specific planning policy requirements (SPPR) in the Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities 2020.

SPPR1: Housing Mix

4.6.2 The proposed mix complies with the mix percentages as set out in SPPR1 of the Apartment Guidelines. SPPR1 states *“Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.”*

4.6.3 The proposed development has the following mix of units, which complies with SPPR1:

- Studios 5.8 %
- 1 beds 24.5%
- 2 beds 3 person 9.3%
- 2 beds 4 person 55.9%
- 3 beds 4.5 %

SPPR3: Apartment Floor Area

4.6.4 The proposed floor areas comply with the requirements of SPPR3 as shown in the following table:

Unit Type	SPPR3 Min. Area	Floor Area Range
Studio	37 sq.m.	38.1 - 52.3 sq.m.
1 Bed Units	45 sq.m.	48.9 - 79.7 sq.m.
2 Bed 3 Person Units	63 sq.m.	67.3 - 80.42 sq.m.
2 Bed 4 Person Units	73 sq.m.	77.7 - 106.1 sq.m.
3 Bed Units	90 sq.m.	93.5 - 130.66 sq.m.

4.6.5 In addition to the minimum floor area standard, the Guidelines also require a majority of all proposed apartments in any scheme of 10 or more units *“shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)”*.

4.6.6 As set out in the above table, the proposed residential units all exceed the minimum floor area standards for apartment sizes. Further, per the attached Housing Quality Statements by CCH

Architects, 908 out of 1,007 no. units exceed the minimum floor area standards by at least 10%. The schemes compliance with minimum aggregate floor areas, bedrooms floor areas, storage space, dual aspect, etc. is fully detailed in the Housing Quality Statements for each sector prepared by CCH Architects that are included with this application.

SPPR4: Dual Aspect Ratios

4.6.7 Section 3.17 of the Apartment Guidelines require *“that apartment schemes deliver at least 33% of the units as dual aspect in more central and accessible and some intermediate locations, i.e. on sites near to city or town centres, close to high quality public transport or in SDZ areas, or where it is necessary to ensure good street frontage and subject to high quality design.”*

4.6.8 The proposed development complies with the requirements of Section 3.17 and SPPR 4 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) by providing for 54% of dual aspect units. The Board is referred to the Housing Quality Statements that shows which units are dual aspect and also the orientation of each unit.

SPPR 5: Floor to Ceiling Height

4.6.9 SPPR 5 requires that 2.4m is standard good practice but 2.7m would be a minimum standard for ground floor apartments. Floor to ceiling heights of 2.7m are provided throughout the proposed development thus complying with SPPR5.

SPPR 6: Lift and Stair Cores

4.6.10 This SPPR stipulates a maximum of 12 apartments per floor per core may be provided in this apartment scheme, which the proposed development is compliant.

Other Apartment Guidelines Requirements

4.6.11 The Apartment Guidelines states the following minimum storage requirements must be met:

- Studio 3 sq.m
- 1-bed 3 sq.m.
- 2-bed 3 person 5 sq.m.
- 2-bed 4 person 6 sq.m.
- 3-bed 9 sq.m.

4.6.12 As set out in the Housing Quality Statements, all proposed residential units meet or exceed the minimum standards for storage areas.

4.6.13 It is a policy requirement of the Apartment Guidelines *“that private amenity space shall be provided in the form of gardens or patios / terraces for ground floor apartments and balconies at upper levels. Where provided at ground floor level, private amenity space shall incorporate boundary treatments appropriate to ensure privacy and security.”* In addition, *“Where balconies or terraces are provided, they should be functional, screened with opaque material, have a sunny aspect, and be of a minimum depth of 1.5m”* with the following minimum balcony sizes:

- Studio 4 sq.m
- 1-bed 5 sq.m.
- 2-bed 3 person 6 sq.m.
- 2-bed 4 person 7 sq.m.
- 3-bed 9 sq.m.

4.6.14 As set out in the Housing Quality Statements, all proposed residential units meet or exceed the minimum standards for private open space.

4.6.15 The Guidelines also require that communal amenity space must be provided within a scheme and can be provided as a garden within the courtyard or a roof gardens. Further, in larger apartment schemes “communal rooms may be provided” for example communal laundry facilities, for clothes drying, community or meeting rooms, etc.

4.6.16 The following are the minimum communal open space areas per apartment type:

- Studio 4 sq.m
- 1-bed 5 sq.m.
- 2-bed 3 person 6 sq.m.
- 2-bed 4 person 7 sq.m.
- 3-bed 9 sq.m.

4.6.17 In accordance with the Guidelines, this scheme requires 6,377 sq.m. of communal open space. As shown on CCH Drg. No. BALN5-CCH-00-ZZ-DR-A-010, the scheme layout provides a cumulative total of 1.35 ha., which is just over 2.1 times the required provision.

4.6.18 While not a mandatory requirement of the Guidelines, the proposed development also includes 6 no. communal residential community rooms (which total 515 sq.m.) at convenient ground floor locations throughout the scheme. These multi-purpose rooms will be available for use by the residents only through an on-line or similar booking system operated by the management company. The anticipated uses include for private social events such as birthday parties, watching sport or movies, display of local community information, informal indoor exercise areas, and possible hot-desk type work space for persons working from home.

4.7 Building Heights

4.7.1 The buildings heights of the proposed development are assessed for compliance with SPPR3 of the Urban Development and Building Height Guidelines. SPPR3 sets out the development management criteria that needs to be complied with to the satisfaction of the local authority and An Bord Pleanála. SPPR3 states as follows:

It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and

2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme

(C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.

4.7.2 The development management criteria referred to in (A)1 of SPPR3 are set out in section 3.2 of the Guidelines and relate to the assessment of the scale of the proposal at the relevant city/town, of district/neighbourhood/street, of the site/building, and other specific assessments. These are now all considered.

At the scale of the relevant city/town

4.7.3 There are three bullet point criteria under this part of the assessment. Each bullet point is stated with commentary confirming compliance below each one.

- *The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.*

The site is very well served by existing, high capacity and high frequency public transport at Clongriffin DART station, which was part funded by Helsingor Limited in order to serve the Stapolin-Baldoyle residential zoned lands and Dublin Bus services with further planned public transport in the form of BUS Connects also planned to service the area.

- *Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.*

The proposed site layout plan complies with the overall masterplan layout for Baldoyle-Stapolin including maintaining view lines along Ireland's Eye Avenue and Stapolin Avenue as required by the LAP. The proposal including the higher building heights being sought will assimilate into the approved built environment at GA3 to the west and the existing five storey apartment building to the south of Sector 8C. Visual nodes and variety through building heights is created along the east and northern boundary of the site to proposed Racecourse Park. The building edges to Sectors 6B, 8A, 8B, and 8C will frame the public realm to Stapolin Haggard Class 2 open space. The four, five, and six storey building heights to the Haggard are more appropriate in scale relative to the smaller area of public open space within the Haggard compared to the higher buildings that will form the edge to proposed Racecourse Park. The landscape and visual impact assessment (LVIA) has been prepared by Murray Associates and it confirms the proposed development in conjunction with the approved schemes for GA1 and GA3 will have a significant built edge along the fringe of the green belt and future parkland, together with a buffer area of tree and native hedgerow planting. This will create a strong urban edge, which is part of a planned urban framework in the LAP, forming a defined urban edge to the proposed Racecourse Park (greenbelt). The juxtaposition of the built edge with the parkland is a deliberate contrast and is considered to be a significant positive impact, as it contributes to the landscape character through creating a definitive edge and interaction with the parkland.

- *On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape*

The proposed site layout plan follows the residential development sectors as set out in the local area plan and the approved layout per the extant planning permission on the site. As the primary road network has already been approved and constructed, the scheme knits into that long established layout. In terms of mass and scale, there is a variety in building heights throughout the scheme, with lower building positioned to the south of the development sectors and the building heights rising in height along the northern site boundary. Visual

interest is created along the internal streetscapes through the building heights, the use of high quality materials, and by having multiple buildings within each sector. The development edge to proposed Racecourse Park is also ‘broken-up’ with the use of larger openings within the scheme along that boundary and the fact that the site forms an arc to the Racecourse Park, it creates visual interest and avoids a continuous hard edge to Park. Further, the proposed heights are cognisant of the adjoining built and approved residential developments, the gradation of heights, and maintenance of prospects in the local area plan. The Board is also referred to the CCH Architects Design Statement.

At the scale of district/neighbourhood/street

4.7.4 There are five bullet point criteria under this part of the assessment. Each bullet point is stated with commentary confirming compliance below each one.

- *The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.*
 The proposal comprises 16 no. building with heights that range from 4 stories to 12 storeys on a site that has an extant planning permission with building heights ranging from 3 to 7 stories. The existing and approved adjoining developments include heights ranging between 5 and 15 storey buildings. This scheme has been appropriately designed to be compatible with the scale and layout of those residential schemes. Further, the proposal will positively address the public realm to Stapolin Haggard Class 2 public open space that will benefit all future residents within the overall Coast development. The layout of the proposed development is consistent with the LAP, it would make a positive contribution to the Coast urban neighbourhood, and complete the streetscape of a development that has been on hold for over a decade.
- *The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.*
 The Board is referred to the architecture drawings and CCH Architects design statement that confirm the proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks. With regard to materials and building fabric, this is directly addressed in section 4.12 of the Architect Design Statement prepared by CCH Architects. The selected materials and finishes are high quality, durable and appropriate to the site’s coastal location and will complement those set out in the approved developments at GA1 and GA3.
- *The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).*
 As required by the local area plan, the site layout provides for prospects and views along Ireland’s Eye Avenue and Stapolin Avenue which are within the overall Coast Development. Also, the scheme will extend and complete the existing urban edge to Racecourse Park, form a new edge to Stapolin Haggard, and enhance the use of both of those spaces through passive surveillance. The proximity to the proposed Racecourse Park enables additional height within this scheme as confirmed in the Board’s assessment of the schemes at GA1 and GA3. Compliance with the Flood Risk Assessment Guidelines has been addressed in this application by JB Barry and Partners and JBA Consultants.
- *The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.*

As the final application for the three growth areas as identified in the LAP, the proposal would complete pedestrian, cyclist and vehicle legibility through the application site and the wider Stapolin-Baldoyle Coast residential development. On its own, the proposal would extend the existing development northwards from Red Arches Drive and encompass the Class 2 open space at Stapolin Haggard thus completing a significant and strategic part of the overall integrated development at the Coast. It follows that proposal would fully integrate within the other constructed and approved phases of the Coast development.

- *The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.*

This apartment scheme includes a broad mix of unit types (studios, 1 beds, 3 person 2 beds, 4 person 2 beds, and 3 beds), sizes with different orientations, aspects, etc. This mix is provided for in each sector of the development with the exception of sector 8C that does not have any studio units. As evident from Census 2016 Baldoyle Electoral Division, the majority of residential units within this DED are houses – 2,241 out of 2,704. The number of apartments was only 454 units but that will increase on construction of the permitted development at growth areas 1 and 3. The mix of apartments is compliant with the Apartment Guidelines (2020), so it should follow that the proposal would positively contribute to the overall mix of units in Baldoyle.

At the scale of the site/building

4.7.5 There are three bullet point criteria under this part of the assessment. Each bullet point is stated with commentary confirming compliance below each one.

- *The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.*

The form, massing and heights of the proposed development have been carefully designed to maximise access to natural daylight, ventilation and views and to minimise overshadowing and loss of light. This has been a dynamic part of the scheme design with the BRE Group advising throughout the design process to ensure compliance with the BRE Guidelines in terms of daylight and sunlight. The generality of the scheme layout in terms of building height follows the approved layout per Reg. Ref. F11A/0290 by placing the lower building heights to the south and gradually building the height up to the north of the site and along Racecourse Park. In addition, it is proposed to amalgamate sectors 6A and 6B to create a wider courtyards for those apartment units.

- *Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment’s ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’.*

The applicant instructed the BRE Group to assess daylight, sunlight and overshadowing within the proposed development. Their detailed report accompanies this application and confirms substantial compliance with the BRE Guidelines (a summary of their report is provided in section 4.10 below).

- *Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning*

objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.

The BRE Group assessment predicts 93% of the rooms would meet the recommendations of the UK National Annex of EN17037 with similar results of 92% using the older BS8206 recommendations. The BRE analysis suggests that the majority of living rooms that are below the recommended standards are on the lower floors and have balconies above them, which directly affect access to daylight. To improve daylight provision, an alternative would involve the removal of balconies, which would have the effect of increasing daylight provision but omitting valuable private open space.

The Board is invited to consider a number of compensatory measures that have been designed into this scheme. The apartment floor areas are large with more than 90% of them having floor areas in excess of 10% above the minimum floor area standard – the Guideline standard is at least 50%. Further, there is a very high percentage of dual aspect units with over 54% being dual aspect units – the Guidelines would permit 33% as dual aspect in an apartment only scheme. Finally, the floor to ceiling heights throughout is 2.7 metres and high quality communal open space that is more than double the area required by the Apartment Guidelines has been provided. These compensatory measures more than make up for the small percentage of rooms that do not meet the BRE Guidelines, which the Board is reminded are only guidelines.

Specific Assessments

4.7.6 The final criteria is under the heading specific assessments that may be required and it includes six bullet point criteria under this part of the assessment. Each bullet point is stated with commentary confirming compliance below each one.

- *Specific impact assessment of the micro-climatic effects such as down-draft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.*

BRE Group has prepared a report on wind and micro-climate that accompanies this application.

- *In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.*

The proposal includes 16 no. apartment buildings between 4 and 12 storeys in height close to Baldoyle Bay SPA. It will form part of a wider development at the Coast that includes existing buildings up to 5 storeys high and approved buildings up to 15 storeys. The proposed development is located within an existing and emerging urban area amongst buildings that are taller and lower than those in this proposal. During the wintering bird assessment no significant flight lines for qualifying interests of the Baldoyle SPA were observed in the vicinity of the proposed development. The proposed apartment buildings will be constructed with high quality materials including brick, zinc, and glass that would be expected to be clearly visible to bird and bat species. Bat activity on site was relatively low in the vicinity of the treeline on site between sectors 8A and 8B. A single Soprano pipistrelle (*Pipistrellus pygmaeus*) was noted briefly foraging on site. No bats were detected emerging from any of the on-site trees. A single tree at the eastern end of the treeline was deemed to have moderate potential for bat roosting due to the presence of thick ivy on the trunk. As a result, impacts on bats, flight lines or qualifying interests of the SPA would be expected but these are not expected to be significant.

- *An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.*
This is not applicable.
- *An assessment that the proposal maintains safe air navigation.*
The application includes a glint and glare study that concludes the proposal won't affect air navigation.
- *An urban design statement including, as appropriate, impact on the historic built environment.*
CCH Architects have prepared a Design Statement that is included with this submission. There is no historic built environment within the vicinity of the site.
- *Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate*
The proposed development includes an Environmental Impact Assessment Report prepared by AWN Consulting as it exceeds the 500 units threshold and an Appropriate Assessment Screening & Natura Impact Statement - Information for a Stage 1 (AA Screening) and Stage 2 (Natura Impact Statement) AA for a proposed development at Baldoyle-Stapolin Growth Area 2 (GA2), Baldoyle, Dublin 13 prepared by Altamar Marine & Environmental Consultants.

4.8 Phasing

- 4.8.1 It is proposed to carry out the development on a phased basis. Details of the proposed phasing are shown on CCH Architects Drg. No. BALN5-CCH-00-ZZ-DR-A-009. It is envisaged that there will be 5 residential phases of development commencing at sector 8C, 8B, 8A, 6A and B, and 7 i.e. working westwards around Stapolin Haggard.
- 4.8.2 It is noted that section 6.4.2 of the LAP envisages "phasing priorities" in accordance with the sector numbering i.e. 6A-6B, 7 and then 8. However, as the haul route into the site is now due northwest of the site, following the LAP's phasing would result in construction traffic being routed through completed phases in order to access the latter phases. For example, construction traffic for sectors 8A, 8B and 8C would need to go through Longfield Road between sectors 6 and 7.
- 4.8.3 It is submitted that the proposed phasing is preferable to that envisaged in the LAP because it would enable residential blocks to be completed within the development with the minimum construction related impact on the future residents. Further, this phasing order would extend the development edge to proposed Racecourse Park and enclose Stapolin Haggard that would benefit the wider residential community within the Coast development. Finally, the applicant is only seeking a standard 5 year planning permission, which should ensure that no time for a 'gap' or interim sites to be created between the northern edge of the LAP lands and Ireland's Eye Avenue.
- 4.8.4 This issue is addressed as a potential material contravention in the accompanying material contravention statement.

4.9 Integration with the Coast Development

- 4.9.1 This proposal forms part of a much larger coordinated residential and village centre development on c. 40 hectares of land at Stapolin, Baldoyle. To date, the initial phases 1 (Red Arches) and 2 (Myrtle) of the overall scheme have been fully constructed while construction is on-going within

part of Growth Area 1 under planning permission Reg. Ref.: F16A/0412 (as varied). Planning permission has also been granted for sustainable residential development on the remaining Growth Area 1 (TA06F.310418) lands and for Growth Area 3 (TA06F.311016). In total, 2,202 residential units have been approved for GA1 and GA3 but those recent permissions are subject to judicial review. Notwithstanding, the proposed scheme has been designed having regard to the layout of the proposed developments for GA1 and GA3 as approved by the Board's.

4.9.2 Accordingly, the proposed development layout has regard to the adjoining 5 storey apartment to the south within the Red Arches scheme and the approved developments south and west of Sector 6A/6B and west of Sector 7 as follows:

- Sector 8C is setback from the site boundary to maintain an appropriate separation between opposing blocks and four and five storey building heights are proposed to transition from Red Arches to sector 8C. The proposed building heights at sector 8C are slightly lower than those in the extant planning permission (Reg. Ref.: F11A/0290/E1) on the application site.
- The separation distances to approved developments to the south and west have been increased to maintain at least 22 metres separations and the apartment arrangements were amended to enhance privacy especially where the scheme abuts GA3 to the west.

4.9.3 The recommended materials and finishes have also being revised following the pre-application consultation phase as specifically raised by the Board and the planning authority. Without replicating GA1 and GA3, a complementary palette of materials is now proposed that should ensure visual integration of the three schemes at GA1, GA2 and GA3.

4.10 Daylight and Sunlight Assessment, Wind and Micro-Climate

4.10.1 Our client instructed the BRE Group to assess daylight and sunlight to the surrounding areas and the provision to rooms within the proposed development. The Board is referred to the BRE Client Report Daylight and Sunlight Assessment that accompanies this application. The following is a summary of the findings of the BRE assessment:

- For robustness, the assessment considered the recommendations in the UK National Annex of EN17037 (the current and higher standard) and the older BS8206 standards for daylight across the proposed development sectors.
- 93% of rooms would meet the recommendations in the UK National Annex of EN17037 with 92% meeting the older BS8206 recommendations.
- Analysis of sunlight provision to rooms suggests that around 70% of proposed units will have at least one habitable room able to receive at least the minimum 1.5 hours sunlight recommended in EN17037. This result compares favourably with the GA3 results that showed 57% compliance with the lower BRE Guideline standard.
- All courtyards would meet the BRE guidelines as more than half of their areas would be able to receive more than two hours of sunlight on 21st March.
- There would be a minor adverse loss of daylight to some existing properties at Willow, Birch, Sycamore and Beech Houses on Red Arches Drive. However, it is noted that the proposal at Sector 8C is lower in height than the extant approved development, so a lesser impact than that already deemed acceptable would arise.
- At other existing properties on Red Arches Park and Red Arches Drive there would be a negligible impact.
- Loss of sunlight at Red Arches Drive would not be an issue since the proposed development is to the north.

- There would be a negligible impact on daylight to GA1 and loss of sunlight would not be an issue since the proposal is to the north.
- When compared to the existing empty site, there would be a significant impact to daylight to the east facing façade of GA3. However, the applicant for GA3 was issued with our client's draft proposals for GA2, so they were cognisant of them when undertaking their sunlight and daylight assessment. Further, the GA2 scheme was amended along the boundary to GA3 to increase separation between the two proposal. As currently permitted, GA3 is less than 22 metres from the western elevation of the approved development F11A/0290 on GA2.

4.10.2 The BRE Group also undertook a wind and micro-climate assessment of the proposal and the Board is referred to the BRE Client Report Wind Microclimate Study with this application. The following is a summary of the findings of the BRE assessment:

- The proposed development is generally well sheltered from the prevailing southwesterly winds and the graduated increase in building heights from south to north will further help to minimise adverse wind effects. Some parts of the development are exposed to northerly winds and to a lesser extent by south easterly winds but these are infrequent and of low intensity at this site so the exposure to northerly winds and south easterly winds is not expected to have a significant adverse impact on the pedestrian level wind microclimate.
- The ground level wind conditions around the proposed development are expected to be generally suitable for the intended pedestrian activities.
- The pedestrian entrances to the buildings generally face the courtyard areas and are expected to be sheltered and suitable for entrance usage.
- The wind conditions on nearby roads and existing surrounding areas are not expected to be adversely impacts by the proposed development.

5. Part V Housing

- 5.1.1 The applicant has submitted a Part V proposal to Fingal County Council identifying 200 no. units within the scheme. Details of that proposal are included with this application.
- 5.1.2 Please find enclosed with this application a letter dated 2nd March 2022 signed by Marina Rennicks from the Council's Housing Department confirming contact with the Housing Department and that we have submitted a proposal in respect of an agreement to satisfy our client's Part V obligation under the Planning and Development Act 2000 (as amended).

6. STATUTORY PLANNING FRAMEWORK

6.1 Fingal County Development Plan 2017-2023

6.1.1 The application site is situated within the administrative area of Fingal County Council, so the proposal is subject to the policies and objectives of the Fingal Development Plan 2017 - 2023 plus variations. Of the three variations made to the development plan, only adopted variation no. 2 is of relevance to the subject site. In addition, the lands are within the boundary of Baldoyle Stapolin Local Area Plan 2013 (as extended), so the provisions of that LAP also apply.

6.1.2 Variation no. 2 of the development plan sets out updated housing and population targets having regard to the National Planning Framework and the Regional Spatial and Economic Strategy. The following table from the development plan summaries the low and high targets for 2026 and 2031:

Fingal County Council	CENSUS 2016	2026 Range		2031 Range	
		Low	High	Low	High
Dublin NPF Road Map	1,347,500	1,489,000	1,517,500	1,549,500	1,590,000
RSES Fingal Allocation	296,000	327,000	333,000	340,000	349,000

Source: NPF/RSES and CSO Census

Figure 5 Extract from Variation No. 2 of Fingal Development Plan 2017-2023

6.1.3 Following on from these projections, table 2.4 of the development plan provides for updated total residential capacity for Fingal. The following image is an extract from Table 2.4:

Table 2.4 Total Residential Capacity provided under Fingal Development Plan 2017 – 2023, updated as of September 2019

Town/Village	Remaining Capacity (hectares)	Remaining Residential Units	Metropolitan Core % Land	Metropolitan Core % Units
Metropolitan Area				
Key Town				
Swords	481	14,799		
Dublin City and Suburbs				
Blanchardstown	260	9,306		
Hewth	14	426		
Baldoyle/Sutton	29	1498		

Figure 6 Extract from Variation No. 2 of Fingal Development Plan 2017-2023

6.1.4 The remaining residential units for Baldoyle is stated at 1,498 in Table 2.4. That figure is unchanged from what was stated in the initial development plan of 2017 – 2023 (i.e. pre variation no. 2) and equates to an average density of 51 units per hectare. The Board will note that the approved scheme on the site is for 371 units which equates to a density of just over 74 units per hectare. At the time the Council approved variation no. 2, there were other approved developments at Stapolin that exceeded the 74 units per hectare density, so the Council’s figures are inconsistent with the extant and previous planning consents.

6.1.5 More recently, An Bord Pleanála has granted planning permission for two SHD development to Shoreline Partnership resulting in an overall total of 2,202 residential units for GA1 and GA3. When added to the extant planning permission on this application site, there is currently planning permission for 2,573 residential units at Baldoyle-Stapolin.

6.1.6 Table 2.5 of the development plan sets out the Council’s settlement strategy and it is as follows:

Table 2.5 Fingal Settlement Hierarchy

Metropolitan Area	Core Area
Dublin City and Suburbs Consolidation Area Blanchardstown Baldoyle Castletown Clonsilla Howth Mulhuddart Village Sutton Santry (Incl. Ballymun) Balgriffin & Belcamp Charlestown & Meakstown	
Key Town Swords	
Other Metropolitan Areas Portmarnock Baskin	
Self Sustaining Growth Town Donabate Self Sustaining Town Malahide	Self Sustaining Towns Balbriggan Lusk Rush Skerries
Towns and Villages Portrane Coolquay Kinsealy Rivermeade Rowlestown	Other Core Towns and Villages Balrothery Loughshinny Ballyboghil Naul Balscadden Oldtown Garristown Ballymadun
Rural – Clusters and Rural Area See Chapter 5 entitled ‘Rural Fingal’ for a full list of rural clusters	

Figure 7 Settlement Strategy from Fingal Development Plan 2017-2023

6.1.7 Baldoyle is within Dublin City and Suburbs Consolidation Area, which is at the top of the settlement hierarchy to deliver sustainable growth of the Metropolitan Area through the Dublin Metropolitan Area Strategic Plan. The development plan includes a suite of settlement strategy objectives, the following of which are applicable to the proposed development.

Objective SS01

Consolidate the vast majority of the County's future growth into the strong and dynamic urban centres of the Metropolitan Area while directing development in the core to towns and villages, as advocated by national and regional planning guidance.

Objective SS01b

Consolidate within the existing urban footprint, by ensuring of 50% of all new homes within or contiguous to the built up area of Dublin City and Suburbs and 30% of all new homes are targeted within the existing built-up areas to achieve compact growth of urban settlements, as advocated by the RSES.

Objective SS02

Ensure that all proposals for residential development accord with the County's Settlement Strategy and are consistent with Fingal's identified hierarchy of settlement centres.

Objective SS 02b

Focus new residential development on appropriately zoned lands within the County, within appropriate locations proximate to existing settlement centre lands where infrastructural capacity is readily available, and they are along an existing or proposed high quality public transport corridors and on appropriate infill sites in the town centres, in a phased manner alongside the delivery of appropriate physical and social infrastructure.

Objective SS15

Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services.

Objective SS16

Examine the possibility of achieving higher densities in urban areas adjoining Dublin City where such an approach would be in keeping with the character and form of existing residential communities, or would otherwise be appropriate in the context of the site.

- 6.1.8 The proposal is for a higher density residential development on an application site that is within the Metropolitan Area of Dublin City. The site is served by existing and planned high frequency, high capacity public transport, and it would maximise the use of existing infrastructure consistent with the core strategy, the settlement hierarchy, and the settlement strategy objectives in the development plan.
- 6.1.9 It is acknowledged that in combination with recently approved developments at Stapolin-Baldoyle, this proposal would exceed the projected total of 1,498 residential units in the Core Strategy for Baldoyle and would represent a material contravention. A justification for the proposal in the context of the Core Strategy is further addressed in the material contravention statement included with this application.

Land Use Zoning

- 6.1.10 Zoning is a primary land use planning consideration in every application. The subject site is zoned RA Residential Area to "provide for new residential communities subject to the provision of the necessary social and physical infrastructure." Residential and Childcare Facilities are permitted in principle land uses within the RA zoning objective. The following image with the approximate outline of the application site in red, is an extract from the land use zoning map Sheet No. 10: Baldoyle/Howth.

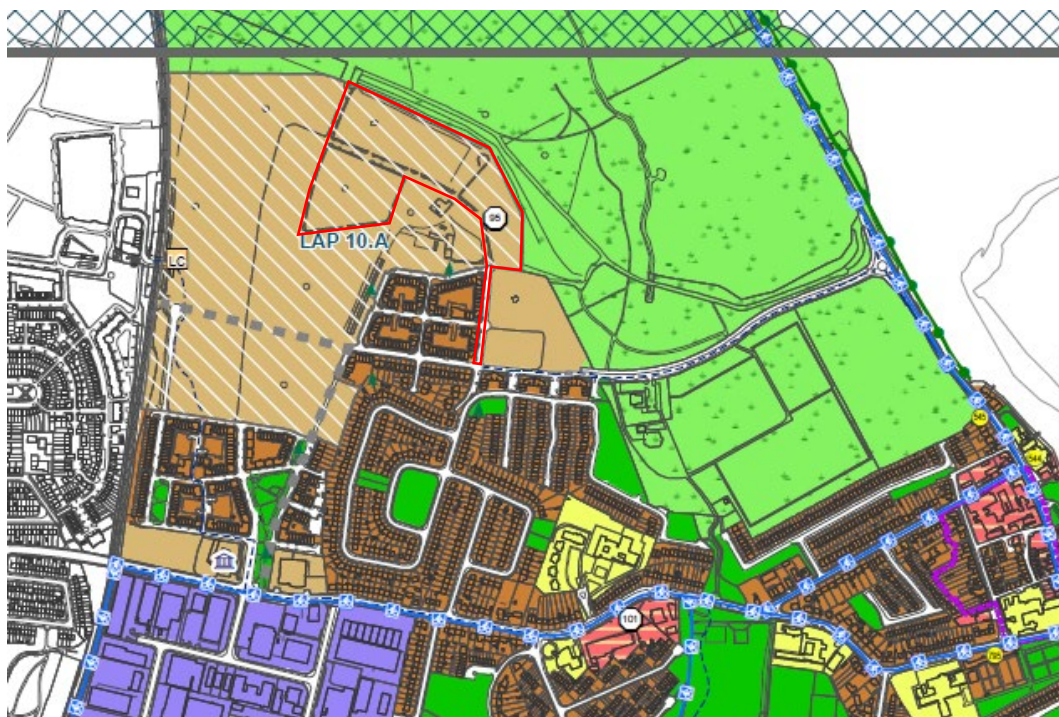


Figure 8 Extract from Land Use Zoning Sheet 10

- 6.1.11 As shown on the extract above from the zoning map, the site is also subject to LAP 10.A and map based local objective no. 95. These map designations respectively relate to the following objectives:

Objective BALDOYLE 3

Prepare and/or implement a Local Area Plan for lands at Baldoyle / Stapolin to provide for the strategic development of the area as a planned sustainable mixed use residential development subject to the delivery of the necessary infrastructure. (Refer to Map Sheet No. 10, LAP 10.A).

95: Ensure that the visual impact of any development on the Greenbelt will be minimised by its siting, design and planting.

- 6.1.12 The provisions of the local area plan are addressed separately below in this report. A landscape and visual impact assessment (LVIA) has been conducted by Murray & Associates Landscape Architects and is included in section 13 of the EIAR with this application. That LVIA confirms the proposed development in conjunction with the approved schemes for GA1 and GA3 will have a significant built edge along the fringe of the green belt and future parkland, together with a buffer area of tree and native hedgerow planting. This will create a strong urban edge, which is part of a planned urban framework in the LAP, forming a defined urban edge to the proposed Racecourse Park (greenbelt). The juxtaposition of the built edge with the parkland is a deliberate contrast and is considered to be a significant positive impact, as it contributes to the landscape character through creating a definitive edge and interaction with the parkland.

Residential Density and Mix of Units

- 6.1.13 Chapter 3 Placemaking in the Fingal Development Plan includes objectives in respect of increased densities and the mix of unit types that are applicable to the proposal at Stapolin, Baldoyle. These objectives are as follows:

Objective PM41

Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.

Objective PM38

Achieve an appropriate dwelling mix, size, type, tenure in all new residential developments.

Objective PM40

Ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents.

- 6.1.14 The density of the proposed development is c. 165 units per hectare, which is slightly lower than the 177 units per hectare density of the approved scheme for GA3 to the west of this site. The application site is an appropriate location for this residential proposal having regard to the existing and planned public transport, the existing and planned infrastructure at Stapolin, and the overall coordinated residential community that it would form part of at Stapolin. Having regard to the density ranges set out in the LAP (see section 6.2 below), a justification for the density of the proposed development is further addressed in the material contravention statement included with this application.
- 6.1.15 The scheme includes a mix of unit types from studio to three bedroom units with a range of floor area sizes exceeding the minimum floor area standards that would cater for a broad range of potential occupants. The unit mix is provided throughout the scheme with a range of apartment types and size provided in each sector. Having regard to the mix of units set out in the LAP (see section 6.2 below), a justification for the mix of units in the proposed development is further addressed in the material contravention statement included with this application.

Development Management Standards

- 6.1.16 Chapter 12 Development Management Standards in the Fingal Development Plan includes a suite of objectives in respect of apartments, layouts, etc. that apply to the proposed development. These objectives are quoted below in order and each is addressed below the respective objective:

Objective DMS03

Submit a detailed design statement for developments in excess of 5 residential units or 300 sq.m .of retail/commercial/office development in urban areas. The design statement is required to:

- *Explain the design principles and design concept.*
- *Demonstrate how the twelve urban design criteria (as per the 'Urban Design Manual - A Best Practice Guide') have been taken into account when designing schemes in urban areas. Each of the twelve criteria is of equal importance and has to be considered in an integrated manner.*
- *Outline how the development meets the Development Plan Objectives, and the objectives of any Local Area Plan, Masterplan, Urban Centre Strategy, Framework Plan or other similar Plan affecting the site.*
- *Include photographs of the site and its surroundings.*
- *Include other illustrations such as photomontages, perspectives, sketches.*
- *Outline detailed proposals for open space and ensure the provision of open space is designed in from the beginning when designing a new scheme.*
- *Outline a detailed high quality open space and landscape design plan including specifications, prepared by suitably qualified professionals.*
- *Outline how Green Infrastructure integrates into the scheme.*

- 6.1.17 This objective has been addressed by various members of the design team. The Board is referred to the Architect Design Statement prepared by CCH Architects, the Landscape Report prepared by Murray & Associates, the Verified Photomontages prepared by Model Works, and this Planning Report and the Statement of Consistency prepared by Kieran O'Malley & Co. Ltd.

Objective DMS05

Require new residential developments in excess of 100 units and large commercial/retail developments in excess of 2000 sq m to provide for a piece of public art to be agreed with the Council.

- 6.1.18 Subject to agreement on the location with the Council, it would be the intention of the applicant to locate a piece of public art in the public open space between sectors 8B and 8C. The Board is invited to address this matter by way of planning condition.

Objective DMS16

Promote and encourage the use of green walls and roofs for new developments that demonstrate benefits in terms of SuDS as part of an integrated approach to green infrastructure provision.

- 6.1.19 Green roofs are proposed throughout the development as part of the overall SuDS measures. The Board is referred to SUDS/Green Infrastructure checklist that has been completed by JB Barry + Partners and is included with this application.

Objective DMS20

Require the provision of a minimum of 50% of apartments in any apartment scheme are dual aspect.

- 6.1.20 54% of the proposed apartment units are dual aspect.

Objective DMS22

Require a minimum floor to ceiling height of 2.7 metres in apartment units, at ground floor level.

- 6.1.21 This minimum floor to ceiling height is provided at all levels throughout the proposal.

Objective DMS23

Permit up to 8 apartments per floor per individual stair/lift core within apartment schemes.

- 6.1.22 Not more than 8 apartments are proposed per floor per stair/lift within the scheme.

Objective DMS24

Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3.

- 6.1.23 All residential units exceed these minimum standards; see CCH Architects Housing Quality Statements.

Objective DMS25

Require that the majority of all apartments in a proposed scheme of 100 or more apartments must exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%.

6.1.24 Over 90% of the apartments exceed this standard; see CCH Architects Housing Quality Statement.

Objective DMS27

Require that all planning applications for residential development include floor plans for each room indicating typical furniture layouts and door swings.

6.1.25 The Board is referred to the respective floor plan layouts of the proposed development as prepared by CCH Architects.

Objective DMS28

A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.

6.1.26 This separation standard has been observed throughout the site layout plan.

Objective DMS30

Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.

6.1.27 A report by the BRE Group on compliance with the daylight and sunlight guidelines is included with this submission and a summary is provided at section 4.10 above.

Objective DMS33

Require properly constituted management companies in apartment type schemes are set up and necessary management structures are put in place for the benefit of the residents.

6.1.28 The proposed development will be privately managed by a properly constituted management company. The Board is referred to the attached Property Management Report by Aramark that sets out how the residential scheme will be managed.

Objective DMS34

Provide in high density apartment type schemes in excess of 100 units facilities for the communal use of residents as deemed appropriate by the Council.

6.1.29 In response to this objective and following the pre-application consultation phase, it is proposed to provide 6 no. Communal Residential Community Rooms/Facilities of c. 515 sq.m. 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 c. 1.35 ha. provided at ground level throughout the scheme.

6.1.30 The communal residential community rooms are provided in each of the three development sectors and for convenience they are located at ground floor level. These multi-purpose rooms will be available for use by the residents only through an on-line or similar booking system operated by the management company. The anticipated uses include for private social events such as birthday parties, watching sport or movies, display of local community information, informal indoor exercise areas, and possible hot-desk type work space for persons working from home. The hours of use of the community rooms will be limited to between 8 am to 10 pm Sunday to Thursdays, and 8 am to 11 pm on Fridays and Saturdays.

- 6.1.31 The proposed development will form part of a much larger coordinated residential development at Stapolin that will include other facilities that will be available to the future residents of this proposal. These facilities will include a commercial development containing a gym, convenience retail, a medical centre, pharmacy, and retail/restaurant/cafe units.

Objective DMS35

Require the provision of communal laundry rooms and storage facilities in high density apartment type developments where deemed appropriate.

- 6.1.32 Dedicated storage rooms are proposed at basement level throughout the scheme. The apartment sizes are sufficient large enough to cater for individual laundry facilities without the necessity for communal ones.

Objective DMS56

Integrate and provide links through adjoining open spaces to create permeable and accessible areas, subject to Screening for Appropriate Assessment and consultation, including the public, as necessary.

Objective DMS57

Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Objective DMS57A

Require a minimum 10% of a proposed development site area be designated for use as public open space.

The Council has the discretion for the remaining open space required under Table 12.5 to allow provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities outside the development site area, subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 12.5.

- 6.1.33 The Board is referred to the enclosed reports prepared by Murray & Associates that sets out the landscape strategy for the proposed development including integration and links with adjoining open spaces at Stapolin Haggard and proposed Racecourse Park. The provision of open space in accordance with table 12.5 is also addressed by Murray & Associates and at section 4.4 above.

Objective DMS89

Require private balconies, roof terraces or winter gardens for all apartments and duplexes comply with or exceed the minimum standards set out in Table 12.6.

Objective DMS90

Require balconies, ground floor private open space, roof terraces or winter gardens be suitably screened in a manner complimenting the design of the building so as to provide an adequate level of privacy and shelter for residents.

Objective DMS91

Require communal amenity space within apartment developments, in the form of semi-private zones such as secluded retreats and sitting out areas, complies with or exceeds the minimum standards set out in Table 12.6.

6.1.34 The Board is referred to CCH Architects Housing Quality Statements that demonstrates compliance with the standards set out in Table 12.6 of the development plan. The floor plan drawings and landscape plans demonstrate how the ground floor private open spaces are suitably screened for privacy and shelter. CCH Architects Drg. No. BALN5-CCH-00-ZZ-DR-A-010 shows the cumulative courtyard communal open space is c. 1.35 hectares, which is c. 2.1 times the requirement per Table 12.6 of the development plan.

6.1.35 Chapter 12 also sets out the car parking and bicycle parking standards for the proposed development. The Board is referred to section 7 in Traffic and Transportation Assessment prepared by J.B. Barry and Partners that accompanies this application. The proposed car parking provision is 0.6 basement car parking spaces per apartment which will discourage reliance on the private car, reduce the traffic impact on the surrounding area, and create use of the existing and planned sustainable transport that serves the subject site. As the car parking provision does not comply with the development plan requirements, the enclosed material contravention statement provides a justification for the material contravention of the Fingal Development Plan 2017 – 2023 in respect of car parking provision.

6.1.36 Bicycle parking provision amounts to a total of 1,754 surface residential cycle parking spaces (1 space per room) and 500 surface visitor cycle parking spaces (one space per two units). A creche set-down area has also been provided and 14 no. additional car parking spaces are allocated adjacent to the creche area at ground level to facilitate staff parking, short duration parking and childcare facility pickup / drop off.

6.2 Baldoyle Stapolin Local Area Plan 2013

6.2.1 The Baldoyle Stapolin Local Area Plan 2013 was adopted by Fingal County Council in May 2013 and was extended up to 11th May 2023 by Council decision pursuant to section 19 of the Planning and Development Act 2000 (as amended). The LAP lands comprise the site of former Baldoyle Racecourse and Stapolin House. There is c. 41 hectares of residential zoned land, c. 81 hectares of high amenity areas, and lands within the development boundary subject of various local objectives including a retirement village. The following image is the LAP plan map.

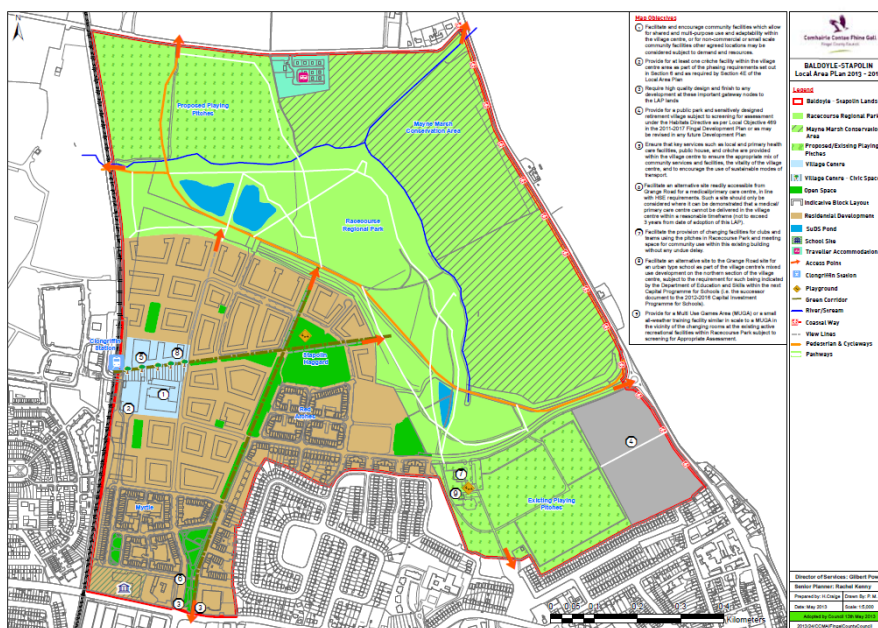


Figure 9 Extract from Baldoyle Stapolin LAP zoning map

6.2.2 As noted in the LAP, the initial masterplan for Stapolin Village and the Baldoyle Action Area Plan envisaged approximately 2,600 homes on the c. 41 hectares of residential zoned land. In 2013, development within the LAP was largely at a standstill notwithstanding that Clongriffin DART station, which was part funded by Helsingor Limited to support a residential development of the Stapolin lands including this site, was fully operational.

6.2.3 Section 3 of the LAP sets out four development themes as follows:

1. **Sustainable Development** - the creation of an urban area with buildings and surrounding areas constructed to high standards of sustainable design, accessible good quality public transport, green spaces and corridors and strong inclusive communities.
2. **High Quality Places for All** - the development of interesting, exciting and stimulating buildings and public spaces, which make the most of natural features and are well connected to surrounding areas.
3. **A New Heart for Baldoyle-Stapolin**- the development of a new mixed use local centre and public realm in which people want to live, work and invest.
4. **Homes for the Future** – the creation of well designed sustainable adaptable homes and neighbourhoods, which cater for a wide range of households.

Figure 10 Development themes from Baldoyle Stapolin LAP 2013

6.2.4 The proposed development has been designed and would be constructed in compliance with the highest standards of sustainable design – see CCH Architects Design Statement and Ethos Engineering Sustainability and Energy Statements. Further, it will utilise the existing and planned public transport that serves the site and the pedestrian and cycling infrastructure within the LAP lands. The provision of green spaces, green corridors, public open space, etc. are set out in the Murray & Associates Landscape Report. The overall layout plan of the proposal ties into the existing and planned communities within Stapolin thus creating a strong inclusive residential community.

6.2.5 The design features a range of building types, sizes and heights to create an appropriate visual interest to the proposed Racecourse Park, to Stapolin Haggard, and internally within the development that will assimilate with existing and approved residential developments at GA1 and GA3. The third theme is only relevant to the GA1, which includes an approved local centre.

6.2.6 The fourth theme relates to the number and mix of units. The LAP states the “*area has the potential to provide at least a minimum of 1,500 units on the lands in total*”. Between existing developments and the planning permission pertaining to all three growth areas, the minimum of 1,500 units will be achieved. Furthermore, our client’s proposal includes a range of units types and sizes, 20% of the units for Part V housing, and higher density layout appropriate to the site’s location abutting the proposed Racecourse Park, Stapolin Haggard Class 2 public open space, and Clongriffin DART station that is c. 230 metres on foot.

6.2.7 Section 4 of the LAP sets out seven themed objectives, of which five relate to this proposal. Each is addressed in turn.

Green Infrastructure

6.2.8 The green infrastructure objectives are addressed in the Murray & Associates Landscape Report enclosed with this application.

Transport & Movement

- 6.2.9 The LAP states “it is a fundamental objective of the Baldoyle Stapolin LAP to ensure that the future demands for travel emanating from development within the LAP lands are met in a sustainable way” and “The strategy of the Plan is to reduce car usage by making alternative modes of travel more attractive.” The proposal provides for 0.6 car parking spaces per residential unit, which will directly reduce car usage. Alternative modes of travel are encouraged through the provision of 1,754 surface residential cycle parking spaces (1 space per room) and 500 surface visitor cycle parking spaces (one space per two units) within the proposed development allied to the pedestrian and cycling infrastructure at and within the environs of Stapolin and the existing and planned high quality and high frequency public transport.

Water Services and Utilities

- 6.2.10 The provision of water services and utilities was previously approved and implemented at a LAP wide level through planning permission reg. ref. F03A/1529 and more recently by F16A/0412 that inter alia provided for upgraded surface water drainage to serve growth areas 1, 2 and 3 at Stapolin, Baldoyle. The Board is also referred to the Water Services Report by JB Barry and Partners and Flood Risk Assessment by JBA Consulting that accompany this application.

Residential Development & Density

- 6.2.11 Section 4D of the LAP sets out objectives on housing mix, density and building heights, which in part repeat development management standards in the county development plan. Not all of those objectives apply to the proposed development but those that do apply are addressed below.

Objective RS1: Require that a suitable variety and mix of dwelling types and sizes are provided in developments to meet different needs, having regard to demographics, social changes and the human life cycle patterns.

Objective RS2: Ensure that one bedroom dwellings are kept to a minimum within the development and are provided only to facilitate choice for the homebuyer. In any event, no more than 5% of units in any application or over the whole development, shall be one bedroom units

- 6.2.12 The scheme provides for a variety and mix of apartment types and sizes that will complement and enhance the overall mix of dwelling types within the overall Coast development.
- 6.2.13 The number of one bedroom units proposed would exceed the 5% figure in RS2. The recent planning permissions for GA1 and GA3 both exceed the 5% figure and the mix of units in this proposal is compliant with SPPR1 of the Apartment Guidelines (December 2020). Furthermore, the Council’s Housing Department has a preference for 1 bed units for Part V housing. A material contravention statement is enclosed with this submission that provides a justification for the material contravention of the LAP in respect of the percentage of 1 bedroom units.

Objective RS3: Ensure that between a minimum of 7.5% and a maximum of 15% of the LAP lands is reserved for those in need of social or affordable housing in accordance with the Fingal Housing Strategy or as per the revisions of any subsequent Strategy and Part V of the Planning and Development Act 2000 (as amended).

Objective RS4: Facilitate the development of strong, vibrant and mixed tenure communities.

- 6.2.14 The prospective applicant has agreed to provide 20% of the units on site for Part V housing thus complying fully with RS3 and RS4.

- 6.2.15 The LAP sets out three density ranges for the overall lands; medium density, medium-high density, and high density. The subjective lands are identified for medium-high (42-50+ units/ha.), and high density (50-80+ units/ha.). The objective of the LAP is to achieve a residential density in keeping with a compact urban form and to ensure the population catchment and critical mass necessary to support more services, justify existing and planned investments, etc.
- 6.2.16 The preferred density masterplan is shown below. The density for the extant planning permission on this site is 74 units per hectare, which complies with the preferred density range. This scheme would increase the density to just over c. 165 units per hectare, which would be lower than the approved density of 177 units per hectare for GA3. Notwithstanding, that neither density range for the site includes an upper limit and that the Board recently held at GA3 that density of 177 units per hectare didn't constitute a material contravention, a justification for the material contravention of the LAP in respect of residential density is provided in the accompanying material contravention statement.

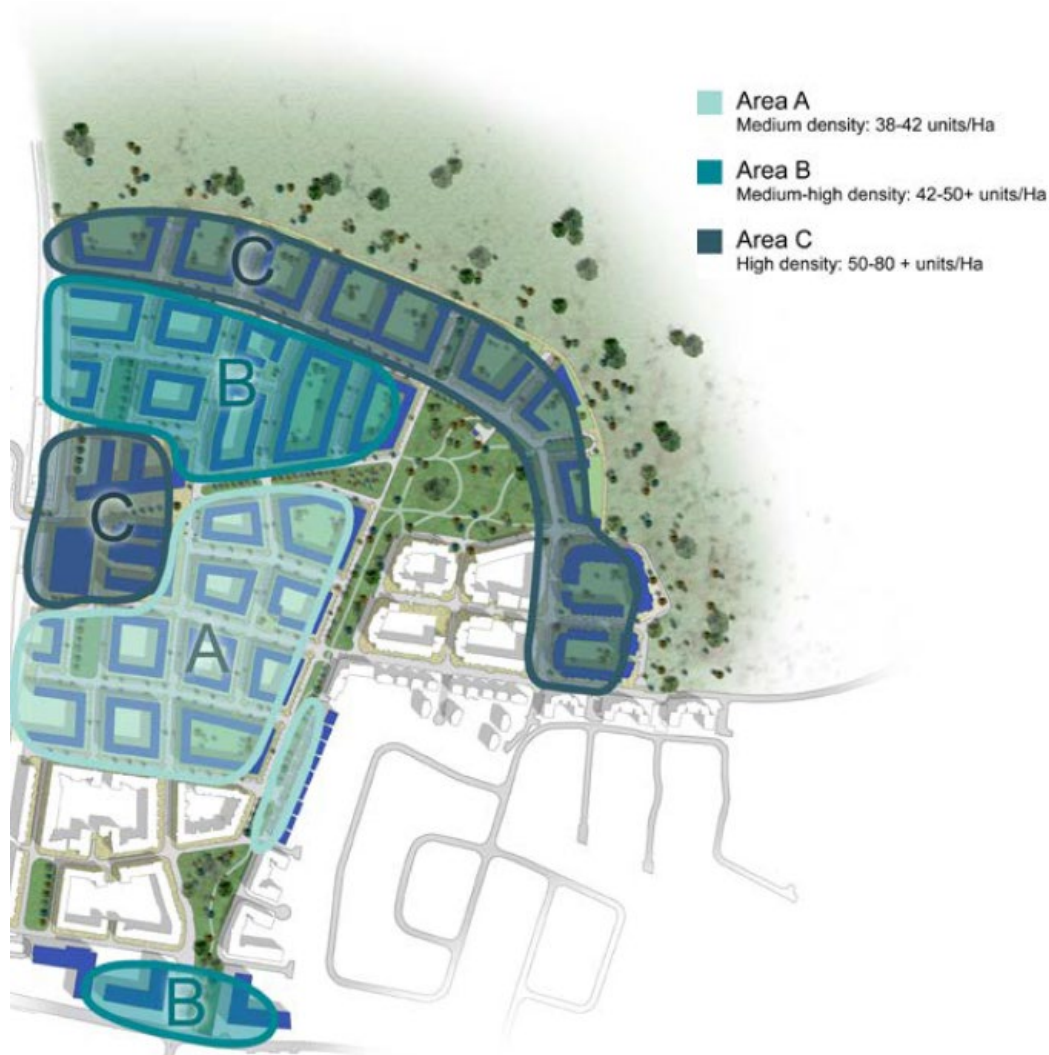


Figure 11 Preferred Density Masterplan from Baldoyle Stapolin LAP 2013

- 6.2.17 The density range section also addresses target housing numbers for the LAP lands. It is noted that table 4D.1 of the LAP envisages a range of 1,486 to 1,962 units on the overall lands. This range is below the original target of 2,600 units per the original action area plan and masterplan. Further, it is substantially lower than the total number of units approved by various planning

permissions from the Council and An Bord Pleanála, which stood at c. 2,470 units following the decision to grant planning permission for the then Phase V on the subject lands (Reg. Ref. F11A/0290 and PL 06F.239732 refer). With the recent decisions to grant for GA1 and GA3, there is now planning permission in place for over 2,570 units on growth areas 1, 2, and 3.

6.2.18 The projected unit numbers and density ranges in the LAP do not correlate with the planning consents and are not consistent with national planning policy and guidelines that have been introduced since 2013. Notwithstanding, the proposed layout has regard to the gradation of density with the lower density of the proposed development for that part of the site within density Area B and the higher density along the proposed Racecourse Park and Stapolin Haggard in density Area C. This approach to density is consistent with the approved scheme layout on the site and compatible with the LAP’s gradation approach to density albeit with higher densities.

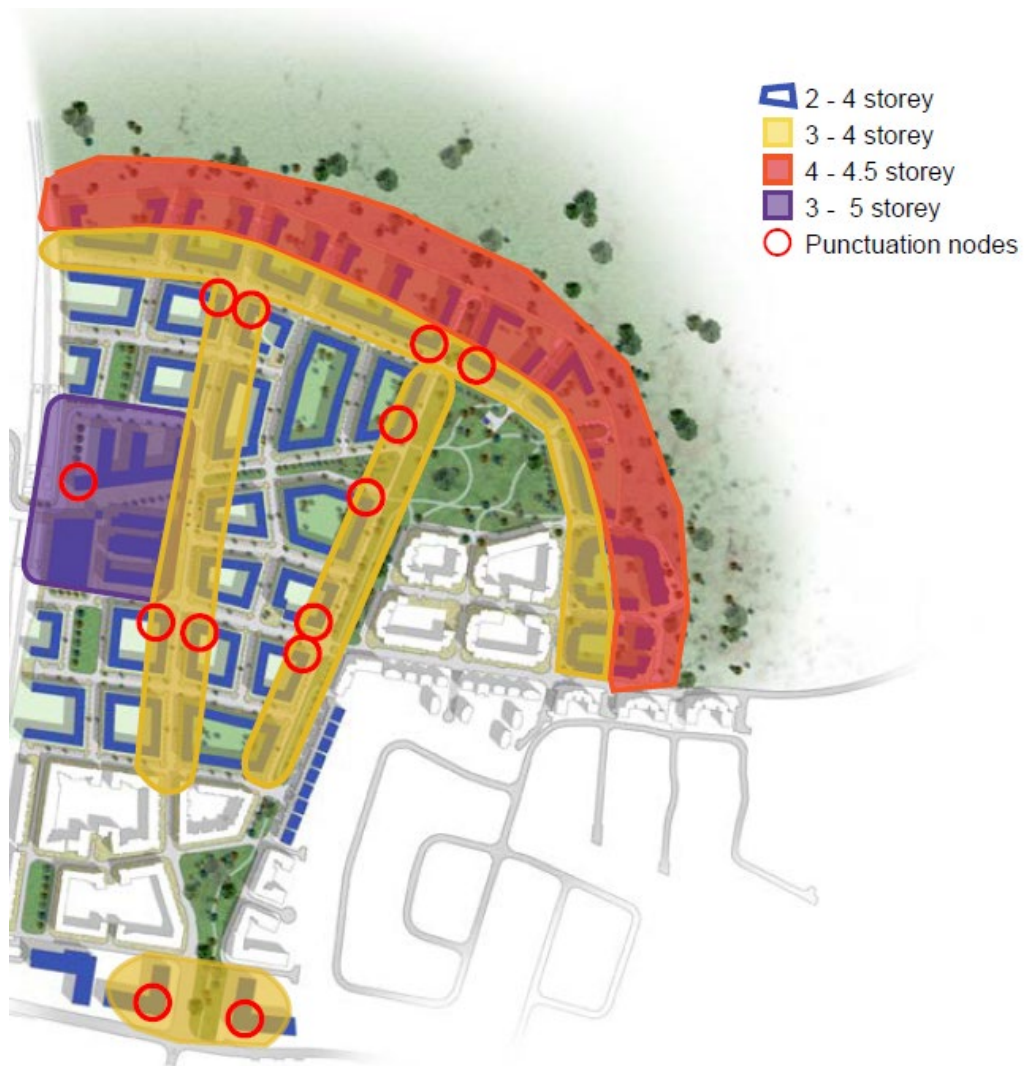


Figure 12 Building Heights from Baldoyle Stapolin LAP 2013

6.2.19 The LAP broadly provides for increased densities and height around the village centre and the Racecourse Park edge reducing to lower heights and densities elsewhere. Accordingly, objective RS12 is to “Require buildings to conform to the heights set out in Figure 4D.2 Building Heights within the LAP lands.” The image above in Figure 12 is Figure 4D.2 from the LAP.

- 6.2.20 The building heights in Figure 4D.2 of the LAP do not represent a sustainable development of the overall lands and that higher buildings are achievable without detracting from the residential and visual amenity of the area. Dublin City Council and the Board has approved 6 to 16 stories at neighbouring Clongriffin and planning permission has been granted for growth areas 1 and 3 with buildings up to 15 storeys high, so the principle of higher building within the environs of Baldoyle Stapolin is already well established. Further additional height that is compatible with the scale, form, and layout of the recently approved schemes and cognisant of the residential and visual amenities of adjoining properties would strengthen the compact urban form and layout in accordance with the overall objectives of the LAP.
- 6.2.21 The approved building heights on the subject site range from 3 to 7 storeys, which exceed the 2 to 5 storey heights set out in Figure 4D.2 from the LAP. However, the approved layout follows the principle of the above building heights with the lower heights toward the south of the site and the higher building along the edge to the proposed Racecourse Park.
- 6.2.22 The proposed development provides for further increases in heights from those already approved by An Bord Pleanála on this site. The proposed heights range from 4 to 12 storeys and largely follow the principle of the building height gradient per the LAP. The proposed heights are cognisant of adjoining constructed and approved developments at Stapolin-Baldoyle. A material contravention statement is enclosed with this submission that provides a justification for the material contravention of the LAP in respect of building heights.

Community and Education

- 6.2.23 Objective CI8 and CI9 apply to this proposal, and these are as follows:

Objective CI8: Require the development of a childcare facility in the village centre and, where required, a second childcare facility shall be provided within the village centre or other suitable location as deemed necessary by the Planning Authority.

Objective CI9: Seek the creation of safe and usable open spaces throughout the LAP land for play through overlooking and passive surveillance.

- 6.2.24 The scheme includes a childcare facility in accordance with the Childcare Guidelines. It is proposed at ground floor level within Block 1, sector 8A and has been designed to cater for the projected demand from the proposed development. Open spaces for play and other recreational uses will be provided within the respective courtyards of the development, which will be secure play areas that are overlooked and subject to excellent passive surveillance.

Retail and Employment

- 6.2.25 These objectives all largely apply to the proposed village centre and other areas within the LAP lands and not the subject site.

Sustainable Development Framework

- 6.2.26 The proposed development incorporates sustainable urban design principles as set out in the Architects Design Statement and the Ethos Engineering Sustainability and Energy Statements. These include the overall site layout plan that places the lower buildings along the southern side of the development blocks with the taller or higher building along the northern sides. This maximises access to sunlight and daylight, reduces overshadowing within the development, and provides for energy conservation. Further, the scheme aims to reduce dependency on the private car through reduced car parking provision, enhanced bicycle parking, and reliance on existing infrastructure that supports alternative modes of transport.

- 6.2.27 Building construction methods/technologies, recycling and waste management strategies, and life cycle reports are addressed in the respective reports prepared by Aramark and Awn Consulting.
- 6.2.28 Section 5 of the LAP addresses Urban Design. The proposed site layout plan largely follows the approved layout on the subject site per Reg. Ref. F11A/0290 and that was largely established by the construction of common infrastructure, roads, etc. in accordance with planning permission F03A/1529. There is one notable change in the layout in that sectors 6A and 6B that have been amalgamated to create a larger development block. This replicates the site layout planning in the approved development of the former sectors 54 and 55 (now sector 7 in the LAP) but it results in the omission of a link street. However, the overall layout provides for permeability throughout the entire scheme, so the loss of a minor link road would only omit a road linkage.
- 6.2.29 The other change to the approved scheme is the provision of additional building height that is separately addressed in the attached material contravention statement and under the Urban Development and Building Height Guidelines above and below.
- 6.2.30 All development control standards such as public and private open space, car parking, bicycle parking, refuse, etc. are addressed in section 6.1 of this planning report.
- 6.2.31 The final section of the LAP is section 6 on Sequencing and Phasing of Development. The subject site is Growth Area 2 and it is shown for medium term delivery as follows:

This phase will only begin after the village centre has commenced construction. It may overlap with the delivery of residential development in Growth Area 1 subject to the phased delivery of the two boulevards (Ireland's Eye Avenue and Stapolin Avenue) and The Haggard to ensure connectivity to the village centre and existing residential development to the south. The timeframe for this Growth Area may range between 2015-2020 and beyond and will provide for the delivery of residential units within a range of minimum 200 to 300+ units.

- 6.2.32 Planning permissions has been granted by An Bord Pleanála for Growth Area 1 (PL 06F.248970 [F16A/0412 as varied] and TA06F.310418) and Growth Area 3 (TA06F.311016). Construction of 99 no. housing units is well advanced on site under planning permission PL 06F.248970 (as varied) but both An Bord Pleanála decisions under the SHD legislation are subject of judicial review.
- 6.2.33 Condition no. 17 of ABP decision PL 06F.248970 required the submission and agreement of a phasing plan prior to commencement of development. A review of the compliance submission will confirm that Fingal County Council insisted on compliance with the infrastructure requirements for growth area 1 as set out in Tables 6.1 – 6.5 of the LAP. In other words, the imposition of a planning condition relating to phasing, which is also included in both TA06F.310418 and TA06F.311016, enabled the Council to secure the delivery of the infrastructure requirements in parallel with the delivery of housing in accordance with the LAP.
- 6.2.34 The corresponding tables for growth area 2 are Tables 6.6 – 6.9 and these relates to roads, open space, community, and undeveloped or 'interim' sites respectively. The capacity of the existing road infrastructure to accommodate the proposed development is set out in the traffic and transportation statement that accompanies this submission. It is our understanding that two of the four roads projects identified in table 6.6 are complete and the status of the other two is unknown. Notwithstanding, from the pre-application consultations they have not been identified by the Council as an obstacle to developing Growth Area 2 nor where they considered to prevent issuing a decision to grant for Growth Area 3.

- 6.2.35 Of the three open space items in table 6.7, Ireland’s Eye Avenue has been approved as part of SHD application TA06F.310418; the Haggard has been approved as part of Reg. Ref. F16A/0412, and the Green Route to Clongriffin Lands is part of the current application by Fingal County Council for proposed Racecourse Park.
- 6.2.36 The community items are also on course for delivery. A creche is shown within our proposal and planning permission (Reg. Refs. F19A/0461 and F21A/0498) has been granted for a primary school with 16 no. classrooms on a site at Grange Road, Baldoyle that is within the overall Stapolin/Baldoyle residential development with a projected capacity of 440 no. pupils.
- 6.2.37 As it is proposed to construct the proposed development over a five year period, it is not anticipated that the site would remain undeveloped for any further period of time. Notwithstanding, the applicant is willing to agree fencing details with the Council prior to the commencement of development. The hoarding will be appropriately decorated, subject to agreement with the Council, to minimise visual impact from the undeveloped parts of the application site.

6.3 Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities

6.3.1 The Sustainable Urban Housing Design Standards for New Apartment were updated in December 2020 to address the revised national policy on the provision of shared accommodation living (which doesn’t apply to this proposal). The guidelines set out guidance and standards on apartment developments in response to the National Planning Framework and Rebuilding Ireland. The guidelines identify three broad types of location that may be suitable for apartment development as follows:

- *Central and/or Accessible Urban Locations*
- *Intermediate Urban Locations*
- *Peripheral and/ or Less Accessible Urban Locations*

6.3.2 The site at Stapolin, Baldoyle is located within a Central and/or Accessible Urban Location per the following locational criteria set out in the Guidelines:

- *Sites within walking distance (i.e. up to 15 minutes or 1,000- 1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;*
- *Sites within reasonable walking distance (i.e. up to 10 minutes or 800- 1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and*
- *Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/ from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.*

6.3.3 The Apartment Guidelines state these locations are generally suitable for small-to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments. The application site is c. 230 metres walking distance to Clongriffin DART station and the proposed Bus Connects project will also serve the subject site, so it will also be within easy walking distance of high frequency urban bus services. It follows that the application site falls into the central and accessible urban locations category and is therefore suitable for high density apartment developments.

- 6.3.4 At paragraph 2.2 of the Guidelines, it is noted that apartments are most appropriately located within urban areas and that the scale and extent of the development should increase where the site is located in close proximity to quality public transport hubs, service and urban amenities. Paragraph 2.2 states as follows:

“The scale and extent of apartment development should increase in the relation to proximity to core urban centres and other relevant factors. Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services also particularly suited to apartments.”

- 6.3.5 The proposed development is located within very close proximity to Clongriffin DART station that will become a transport hub with the full implementation of the BUS Connects proposal. Further, the proposal would overlook the 80 hectare Racecourse Park to the east, northeast and north. Consistent with the planning permissions issued by An Bord Pleanála for the GA1 (TA06F.310418) and GA3 (TA06F.311016) lands, the application site is especially suitable for higher density and higher residential development in compliance with the objectives of the apartment guidelines.
- 6.3.6 The Guidelines set out a number of specific planning policy requirements (SPPR) for apartment developments. Compliance with the applicable SPPRs is set out in section 4.6 above.

6.4 Urban Development and Building Height Guidelines (2018)

- 6.4.1 The Urban Development and Building Height Guidelines were prepared in response to the National Planning Framework and as means of supporting increased density, scale and height of development in the town and city cores. The Guidelines note that *“A key objective of the NPF is therefore to see that greatly increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels.”*
- 6.4.2 The Guidelines further note that *“increased building height is a significant component in making optimal use of the capacity of sites in urban locations where transport, employment, services or retail development can achieve a requisite level of intensity for sustainability.”* The proposed development is consistent with the overriding principle of these Guidelines and has been designed to provide additional height and density without impinging on the residential amenity of the existing and planned adjoining community. The site is an excellent example of serviced and zoned residential land that would overlook Racecourse Park and Stapolin Haggard and can deliver increased building height and higher density on a highly accessible site within Fingal’s administrative area and the Dublin Metropolitan Region.
- 6.4.3 These Guidelines include four SPPRs; SPPRs 1 and 2 are addressed below with SPPRs 3 and 4 addressed above in section 4.7 of this report.
- 6.4.4 SPPR1 relates to locations that are appropriate for increased building height and density, and it states as follows:

In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill

development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

6.4.5 The application site is located in very close proximity to existing and planned public transport including Clongriffin DART station, Dublin Bus routes, and the proposed BUS Connects. Clongriffin DART Station is c. 230 metres on foot and the overall Coast development is planned to be served by BUS Connects. It therefore follows that the application site is a suitable location for increased building heights and densities in compliance with SPPR1.

6.4.6 SPPR2 has been included in the Guidelines in “*the interests of achieving national policy objectives for significantly increased urban housing delivery, there is a need for planning policy to ensure that an appropriate quantum of residential developments*” and states as follows:

In driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy. Mechanisms such as block delivery sequencing in statutory plans could be utilised to link the provision of new office, commercial, appropriate retail provision and residential accommodation, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities.

6.4.7 The application site is part of the overall Coast development and is within the Baldoyle-Stapolin local area plan that sets out three growth areas and clear phasing within those areas to deliver a sustainable residential community with a designated local centre adjacent to Clongriffin DART station. Planning permission has been granted by An Bord Pleanála for the construction of 2,202 residential units and a local centre with a range of building heights up to 15 storeys.

6.4.8 This proposal is compatible with the nature, scale, intensity and height of development approved for growth areas 1 and 3. It is submitted that the proposed development has regard to the policy framework set out in the Urban Development and Building Height Guidelines and that it complies with the applicable objectives. Therefore it is considered to be in accordance with the provisions of national policy guidelines.

6.5 Sustainable Residential Development in Urban Areas (2009)

6.5.1 These Guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential Density. As stated in the Minister’s foreword the objective is to produce high quality and sustainable development that provide quality homes and neighbourhoods, places where people actually want to live, to work and to raise families, and places that work and will continue to work.

6.5.2 Unlike many development sites, this project forms part of a larger residential community at Stapolin, Baldoyle. The Coast development scheme was initially master planned in 2000, it has been subject of many planning permissions, two phases of development are complete, a further one is under construction and it is currently guided by a local area plan published in 2013. Also, there is an extant planning permission on this application site and recent planning permissions (currently subject to judicial review) issued by the Board for strategic housing developments on growth areas 1 and 3, all of which form part of the overall sustainable neighbourhood planned for Stapolin, Baldoyle.

6.5.3 One of the key pieces of infrastructure at Stapolin is Clongriffin DART station that has been operational since 2010 and that is planned to be augmented with the BUS Connects project thus providing two forms of high capacity and frequency public transport at Stapolin. Further, the extant planning permissions for growth areas 1 and 3 will provide for residential, community and retail services within a local centre setting focussed on Clongriffin DART station. This will result in the provision of retail and community services and create a sense of place and identity for people to live and work at Stapolin, Baldoyle.

6.5.4 In terms of density, the Guidelines recommend as follows in section 5.8:

To maximise the return on this investment, it is important that land use planning underpins the efficiency of public transport services by sustainable settlement patterns – including higher densities – on lands within existing or planned transport corridors. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes.

6.5.5 The application site and the proposed development comply with the guideline principles for higher density residential development. The layout of the proposed development also prioritises walking, cycling and public transport, it is compatible with the overall layout of the Coast development, and it promotes the efficient use of residentially zoned and serviced land.

6.6 Urban Design Manual (2009)

6.6.1 The Urban Design Manual sets out 12 criteria that have been compiled to encapsulate the range of design considerations for residential development. These are regarded as tried and tested principles of good urban design and form part of the assessment of a planning application for residential development. The CCH Architects design statement addresses compliance with all 12 criteria.

7. ENVIRONMENTAL CONSIDERATIONS

Appropriate Assessment Screening and Natura Impact Statement

- 7.1.1 An Appropriate Assessment Screening & Natura Impact Statement - Information for a Stage 1 (AA Screening) and Stage 2 (Natura Impact Statement) AA for a proposed development at Baldoyle-Stapolin Growth Area 2 (GA2), Baldoyle, Dublin 13 report has been prepared by Altemar Marine & Environmental Consultants.
- 7.1.2 This Appropriate Assessment screening was undertaken in accordance with the European Commission Methodological Guidance on the provision of Article 6(3) and 6(4) of the 'Habitats' Directive 92/43/EEC (EC,2001), Part XAB of the Planning and Development Act 2000, as amended, in addition to the December 2009 publication from the Department of Environment, Heritage and Local Government; 'Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities' and the European Communities (Birds and Natural Habitats) Regulations 2011 and the provision of Article 6 of the Habitats Directive 92/43/EEC (European Commission, 21 November 2018).
- 7.1.3 In order to comply with the above Guidelines and legislation, this Appropriate Assessment Screening and Natura Impact Statement must be structured as follows:

1) Screening Stage

- Description of the proposed project or plan;
- Identification of EUROPEAN sites potentially affected;
- Identification and description of individual in combination effects likely to result from the proposed project;
- Assessment of the likely significance of the effects identified above. Exclusion of sites where it can be objectively concluded that there will be no likely significant effects; and,
- Conclusions.

2) Appropriate Assessment (Natura Impact Statement)

- Description of the European sites that will be considered further;
- Identification and description of potential adverse impacts on the conservation objectives of these sites likely to occur from the project or plan;
- Identification and description of in combination effects likely to result from other plans and projects;
- Mitigation Measures that will be implemented to avoid, reduce or remedy any such potential adverse impacts;
- Assessment as to whether, following the implementation of the proposed mitigation measures, it can be concluded, beyond all reasonable scientific doubt, that there will be no adverse impact on the integrity of the relevant European Site in light of its conservation objectives"; and,
- Conclusions

Environmental Impact Assessment Report

- 7.1.4 The requirement for EIA Report is set out in the EIA Directive (Directive 2011/92/EU as amended by 2014/52/EU); the EIA Directives have been transposed into existing Irish planning consent procedures i.e. the Planning and Development Act 2000 as amended (the Act) and Planning and Development Regulations, 2001 as amended (the Regulations).
- 7.1.5 The EIA Directive lists projects for which an EIA is mandatory (Annex I) and those projects for which an EIA may be required (Annex II) of the EIA Directive (2011/92/EU and 2014/52/EU), these

Annex are transposed into Schedule 5 of the Planning and Development Regulations 2001 as amended.

- 7.1.6 The EU Member States can choose to apply thresholds for Annex II projects or use a case-by-case examination, or a combination of both, to assess where EIA is required. In Ireland, a combination of both has been applied.
- 7.1.7 Ireland's type of projects for which an EIA is mandatory is set out in the Schedule 5 Part 1 and Part 2 of the Regulations. The EPA Guidance (2017) requires an assessment beyond the general description of the project and to consider the component parts of the project and/or any processes arising from it. In considering the wider context and the component parts of the proposed development AWN have identified the thresholds of relevance to the proposal from Part 2 of Schedule 5; which are set out below:
- 10. Infrastructure projects–*
(b)(i) Construction of more than 500 dwelling units;
(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere;
(In this paragraph, 'business district' means a district within a city or town in which the predominant land use is retail or commercial use).
- 7.1.8 For the project types Class 10 (a) to (m) an EIA is mandatory only if the project equals or exceeds, as the case may be, a limit, quantity or threshold set out.
- 7.1.9 Under Class 10(b)(i) the threshold is 'more than 500 dwelling units'. Under Class 10(b)(iv) the appropriate threshold is considered to be '10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere'. The site location is on the edge of the transition between residential and greenfield; the pragmatic approach is to consider the area to be 'part of a built-up area'.
- 7.1.10 The total site area for the proposed works is c. 6.1 hectares (ha), and the proposed development comprises 1007 no. dwelling units. The site location is not within a business district but is within a built-up area. The proposed development exceeds the limit, quantity or threshold set out in Class 10(b)(i); therefore, an EIA is mandatory.
- 7.1.11 An Environmental Impact Assessment Report have been prepared by AWN Consulting. A copy of their EIAR is included with this application.

8. CONCLUSION

- 8.0.1 The proposed development will provide a high quality residential development on a fully serviced site that is zoned for residential development. Further, the site is highly accessible to existing and planned public transport, it enjoys excellent connectivity to the pedestrian and cycling networks at Baldoyle, and the future passive and active recreational amenity at proposed Racecourse Park. In tandem with the existing and approved developments, this proposal would complement and complete the planned urban environment at Stapolin-Baldoyle.
- 8.0.2 As set out above and in the accompanying reports, the proposed development is consistent with the relevant national, regional and local planning policies and guidelines that inter alia seek to increase the delivery of much needed housing at strategic development areas such as Stapolin, Baldoyle. The proposal would provide a high quality residential environment for the future residents of the proposed development and it would deliver the completion of the overall Coast development, which would benefit the existing residents at Red Arches and Myrtle.
- 8.0.3 This report demonstrates compliance with Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, December 2020, the Urban Development & Building Heights Guidelines, the Fingal County Development Plan 2017-2023, and the Baldoyle Stapolin Local Area Plan 2013 (as extended). It follows and the Board is invited to agree that the proposed development complies with the proper planning and sustainable development of the area and thus should be granted planning permission.

Appendix A: Copy of Land Registry Sealed and Certified Copy Folio DN3241 and DN132779F as of 25th March 2022



The Property Registration Authority
An tÚdarás Clárúcháin Maoine

Land Registry Sealed and Certified Copy Folio (& Filed Plan)

PATRICK KENNEDY
 27 STRAND ROAD
 BALDOYLE
 DUBLIN 13

This page forms part of the official document. Do not detach.

Folio Number: DN3241
Application Number: P2022LR029038K
Your Reference: DN3241

This document comprises an office copy of the Land Registry record for the above mentioned folio/filed plan as of the date appearing.

Details of **dealings pending** (if any) on the enclosed folio/filed plan are listed in the **Schedule** below.

Ed. Keane

An officer duly authorised by the Property Registration Authority.



Schedule

D2021LR133011Y
 D2021LR103491Q
 D2021LR104994T
 D2022LR036883T
 D2022LR010991D
 D2022LR027363T
 D2022LR016498Y
 D2021LR161403X
 S2007DN008476E
 D2021LR129976C
 D2021LR072987V
 D2022LR031937P
 D2022LR017999Y
 D2022LR020214T
 D2021LR104528Q
 D2021LR060593M
 D2021LR079704Y
 D2021LR035129T
 D2022LR019987D

Folio Number: DN3241
 Date Printed: 25/03/2022

Application Number: P2022LR029038K
 Page 1 of 174

Folio Number: DN3241

Application Number: P2022LR029038K

Land Registry

County Dublin

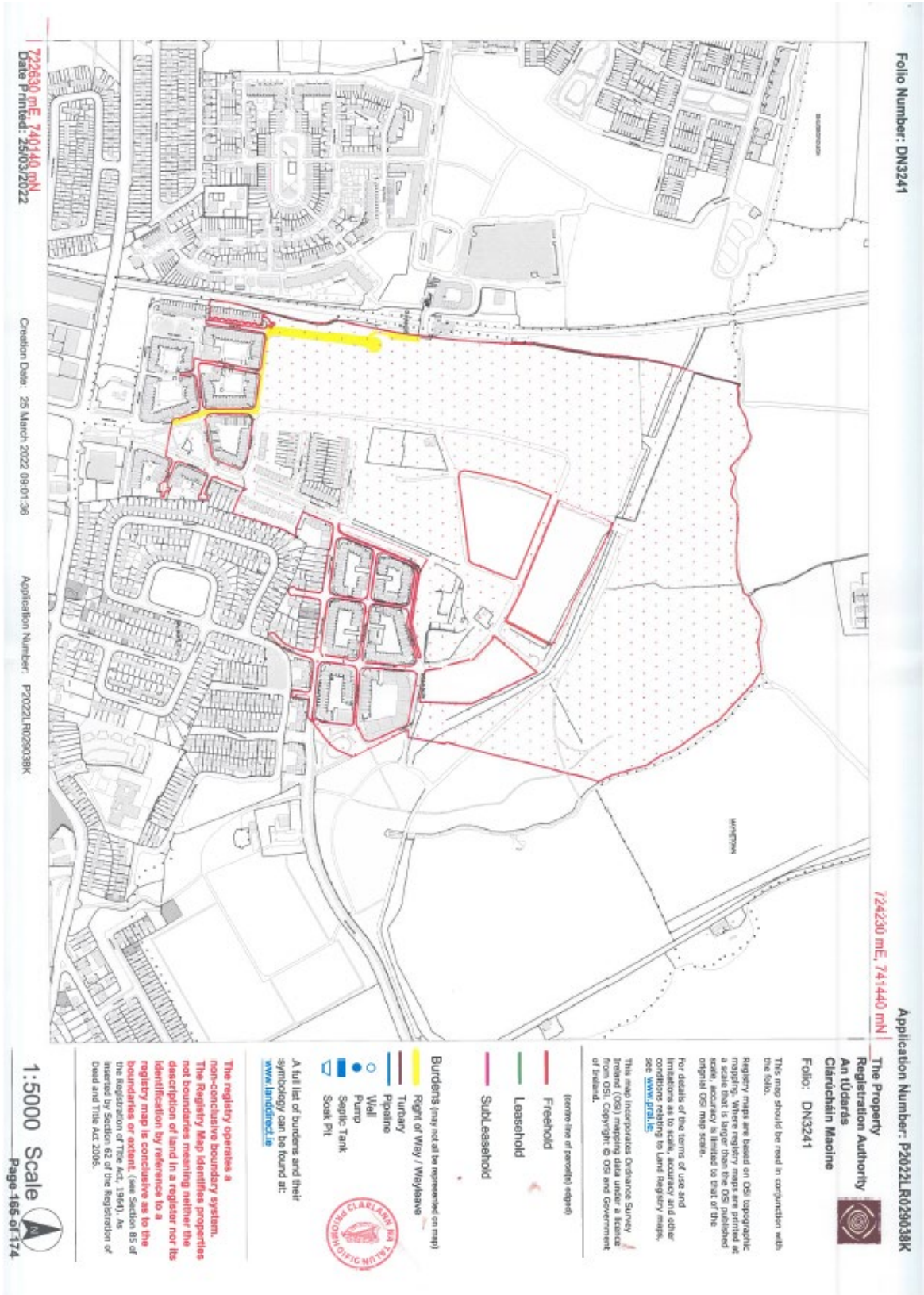
Folio 3241

Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965		
001	11-APR-1973 R-1347/73	—MBLWIN SECURITIES LIMITED—60/62 AMIENS STREET, DUBLIN.—IS FULL OWNER	Cancelled D2001DN016067Y 11-JUN-2001
060	21-DEC-1998 98DN33248	—ENDCAMP LIMITED (Limited Liability Company) of 8 Inne Court, Winetavern Street, Dublin 8 is full owner.	Cancelled D1999DN031131M 11-NOV-1999
61	11-NOV-1999 D1999DN031131M	Helsingor Limited (Limited Liability Company) of 35/38 St Stephen's Green, Dublin 2 is full owner.	

- 2 ~~02-DEC-1991
91DN22209~~ ~~NO DEALING BY THE REGISTERED OWNER OF THE PROPERTY HEREBIN SHOWN
AS PLAN FR8Q EDGED RED ON THE REGISTRY MAP THEREOF (15/10) IS
TO BE REGISTERED UNTIL NOTICE HAS BEEN SERVED ON SABRE
DEVELOPMENTS LIMITED OF 13, LOWER BACCHOTSTREET, DUBLIN-2
NOTE: CANCELLED 09/09/1998, 98DN23025~~
- 3 ~~23-JUL-1996
26DN16858~~ ~~ALL DEALINGS WITH THE PROPERTY ARE INHIBITED FOR A PERIOD OF 14
DAYS AFTER 23RD JULY 1996.
NOTE: CANCELLED RULE 7~~





The Property Registration Authority
An tÚdarás Clárúcháin Maoine

Land Registry Sealed and Certified Copy Folio (& Filed Plan)

PATRICK KENNEDY
 27 STRAND ROAD
 BALDOYLE
 DUBLIN 13

This page forms part of the official document. Do not detach.

Folio Number: DN132779F
Application Number: P2022LR029042E
Your Reference: DN132779F

This document comprises an office copy of the Land Registry record for the above mentioned folio/filed plan as of the date appearing.

Details of **dealings pending** (if any) on the enclosed folio/filed plan are listed in the **Schedule** below.


 An officer duly authorised by the Property Registration Authority.



Schedule

D2019LR184984T
 D2020LR116205A
 D2019LR184978V
 D2021LR013849B
 D2019LR171117C

Notes:

1. Filed plans should be read in conjunction with the Register. The description of the land in the Register or on the filed plan is not conclusive as to the boundaries or extent of the land (see Section 85 of the Registration of Title Act 1964, as substituted by Section 62 of the Registration of Deeds and Title Act, 2006).
2. Filed plans greater than A3 in size may be provided as separate A3 tiles with an overlap and print gutter. When aligning the tiled sheets, customers are advised to use the underlying topographical detail.

Folio Number: DN132779F
 Date Printed: 25/03/2022

Application Number: P2022LR029042E
 Page 1 of 17

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© Government of Ireland

Folio Number: DN132779F

Application Number: P2022LR029042E

Land Registry

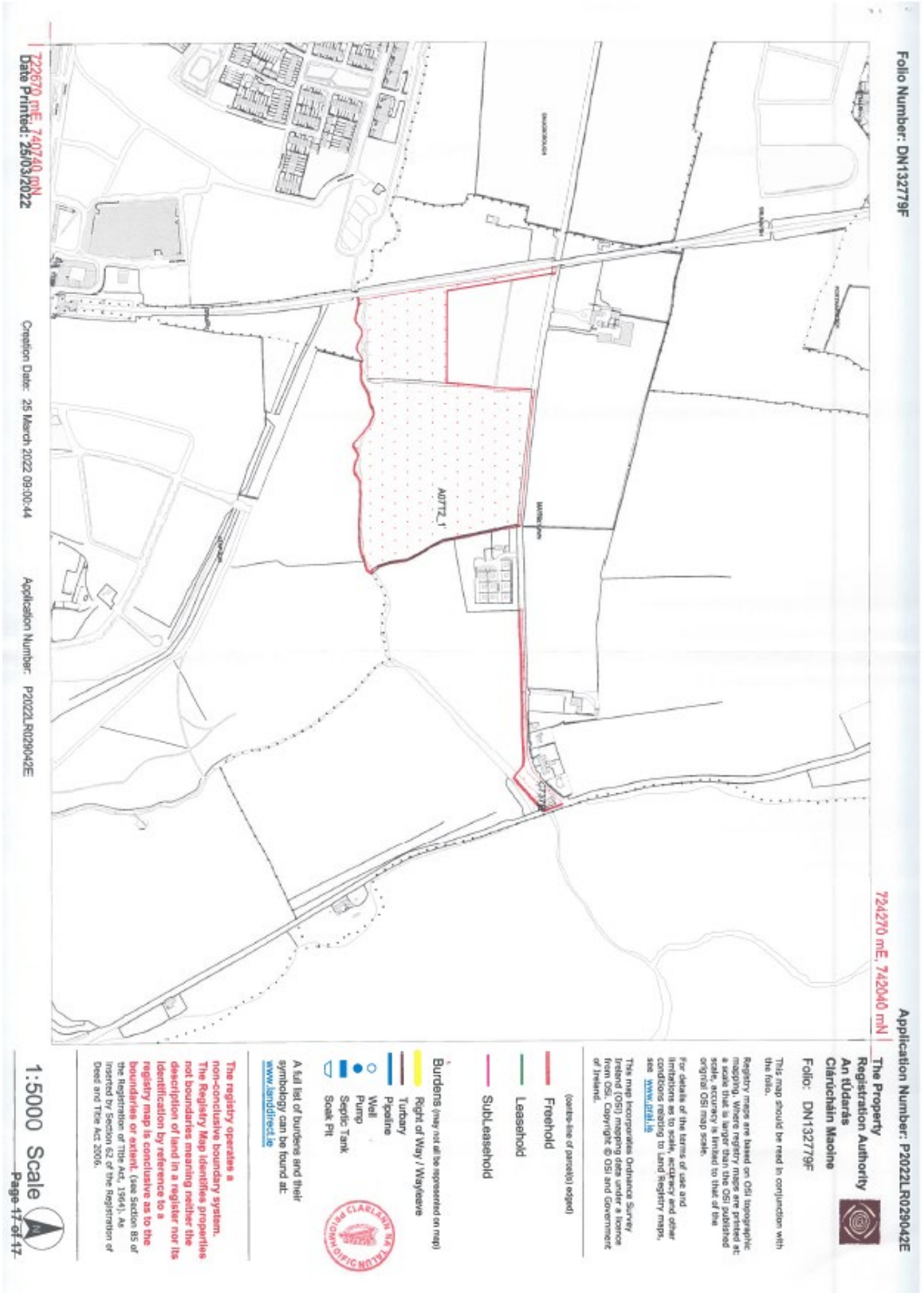
County Dublin

Folio 132779F

Part 2 - Ownership

Title ABSOLUTE

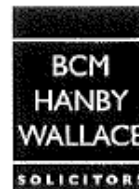
No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965
1	11-NOV-1999 Helsingor Limited (Limited Liability Company) of 35/38 St D1999DN031131M Stephen's Green, Dublin 2 is full owner.



Appendix B: Copy of Letter of Consent dated 24th October 2007 from BCM Hanby Wallace to Delahunt Solicitors

04-08-11 F11 A/ 0290
FINGAL C. C.P.L. DEPT

88 Harcourt Street, Dublin 2
Tel: (353-1) 418 6900
Fax: (353-1) 418 6901
E-Mail: info@bcmhw.com
www.bcmhw.com
Dx: 18 Dublin



Delahunt Solicitors
First National Building
357 North Circular Road
Phibsborough
Dublin 7

Date: 24th October 2007

Our Ref: JOR/kk/4811/4347

Your Ref: BAD/MDK

Our Client: Helsingor Limited
Your Client: Penshanko Limited
Matter: Lands at Baldoyle, County Dublin

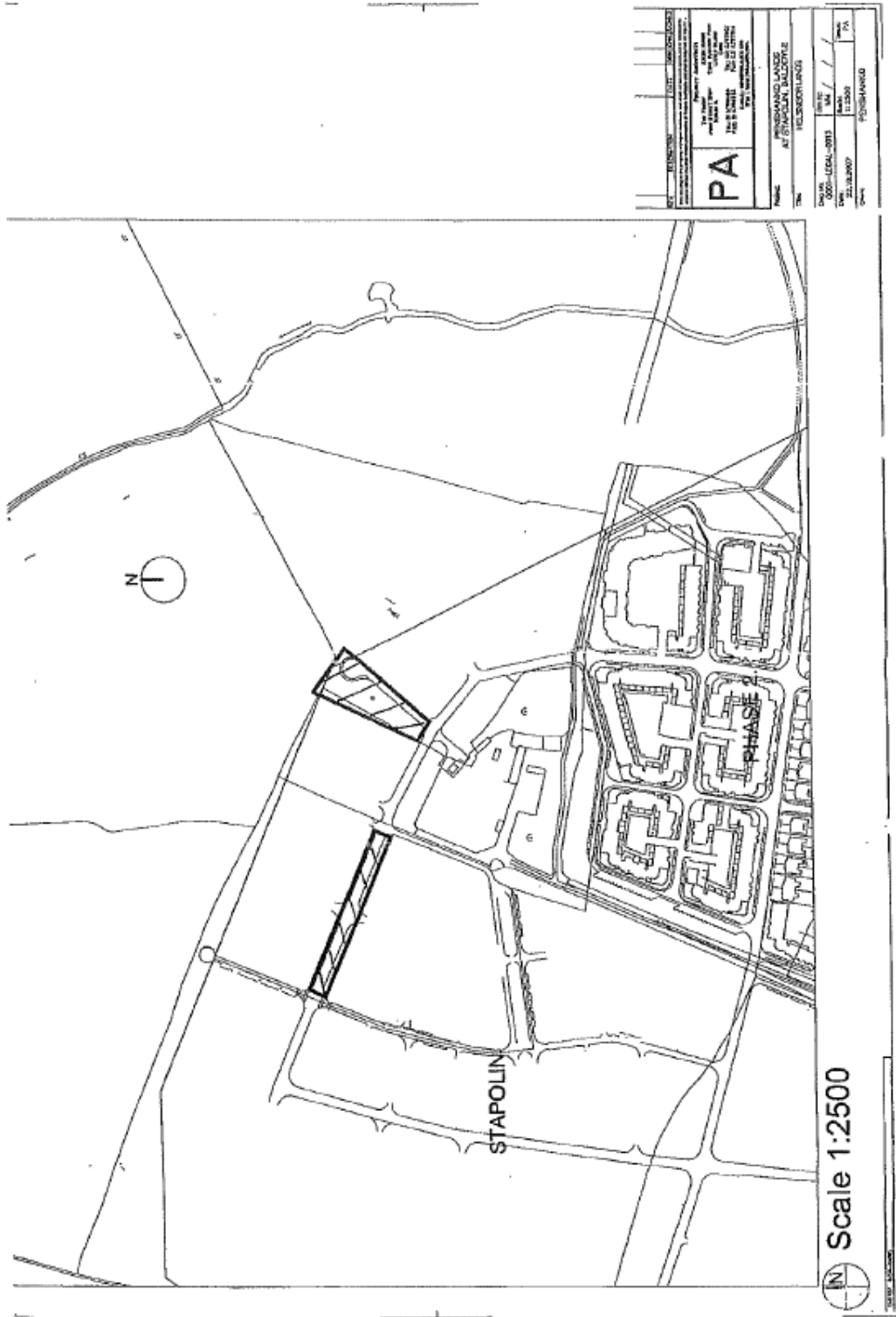
Dear Sirs

On behalf of our above named client and on its instruction, we hereby confirm the consent of Helsingor Limited to the inclusion of the lands identified on the map attached hereto and located between the Blocks on the Penshanko lands, in the planning application to be submitted by Penshanko Limited.

Yours faithfully

Ben Hanby Wallace
BCM Hanby Wallace

A list of Partners and Solicitors is available on request or from our website: www.bcmhw.com



Appendix C: Letter of Consent from Peshanko Limited dated 17th February 2022

Peshanko Limited
49 Victoria Street
Douglas
Isle of Man
IM1 2LD

Lismore Homes Limited
Unit H3
Centre Point Business Park
Oak Road
Dublin 12
Ireland
D12A 662

17th February 2022

Re: Lands at Baldoyle, County Dublin

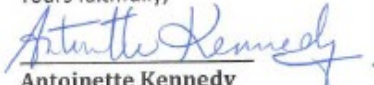
Dear Sirs,

Peshanko Limited (an Isle of Man registered company) is the owner of the Lands comprised in Folio 162698F of the Register of Freeholders County Dublin at Baldoyle, County Dublin. The lands are also known as and now referred to as Growth Area 2 (GA2) within the Baldoyle Stapolin Local Area Plan 2013 (as extended).

As set out at Clause 4.10 of the Contract for purchase from Helsingor of the Peshanko lands, Peshanko Limited also has the consent to make a planning application inter alia in respect of lands adjoining the Peshanko lands.

Peshanko Limited hereby consents to Lismore Homes Limited the authority for the submission of a Strategic Housing Development Application on its behalf in respect of the Peshanko lands and adjoining lands at Stapolin, Baldoyle, Dublin 13, County Dublin.

Yours faithfully,


Antoinette Kennedy
Director - Peshanko Limited

Appendix D: Copy of Letter dated 2nd November 2007 from Helsingor Limited to Delahunt Solicitors

28-11-07 F07A 1561
FINGAL C. C.PL. DEPT

HELSINGOR LIMITED

FONTHILL HOUSE, OLD LUCAN ROAD, PALMERSTOWN, DUBLIN 20

Delahunt Solicitors
First National Building
357 North Circular Road
Phibsboro
Dublin 7.

2 November 2007

**RE: Your client – Peshanko Limited
Lands at Stapolin**

Dear Sirs

We refer to the above matter and understand that your client, Peshanko Limited is due to lodge a planning application for permission for development of lands situate at Stapolin, County Dublin being all the lands comprised in Folio 162698F County Dublin and more particularly identified on the attached copy map and outlined in black (“the Peshanko Lands”).

We, Helsingor Limited, write to confirm that we have agreed to make available to your client the Class 1 and Class 2 open space, located on our lands, which may be required by the local authority for the development of the Peshanko Lands as provided for in the Baldoyle Action Plan and Stapolin Village Masterplan. The proposals for developing and delivering this open space have been provided for in various submissions made on our behalf to the planning authority, Fingal County Council, in the following manner:-

Class 1 Open Space - The Class 1 Open Space to serve the entire Stapolin development will be accommodated within a single 18ha park, located within the Millennium Park, in accordance with compliance details already agreed with Fingal County Council, on foot of conditions attached to planning permissions granted for Phase 1 (F02A/0921; PL06F.201400) and the infrastructural development planning permission (F03A/1529; PL06F.208508).

The Class 1 Open Space will be developed and made available for public use in accordance with a schedule attached to the compliance details agreed with Fingal County Council. In addition the timescales for development and delivery of this space were accepted by the Howth/Malahide Local Area Committee in June 2007 during the approval of Fingal County Council’s Public Open Space Masterplan for the Baldoyle and Portmarnock Amenity Lands.

Our planning consultant has advised that the Class 1 Open Space provided for in the above compliance submissions to Fingal County Council includes adequate provision for the Class 1

Registered Office: Fonthill House, Old Lucan Road, Palmerstown, Dublin 20. Registered in Dublin No: 278503 Directors: Sean Mulryan, Brian Clarke, Brian Fagan, Brendan O’Byrne, Seamus Ross, Seamus Ross (Jnr).

open space requirements for the purpose of your client's planning application in respect of the Peshanko Lands

Class 2 Open Space – The Class 2 Open Space to serve the Stapolin development is located within the Stapolin Village development area, which is to be developed in accordance with the Stapolin Village Masterplan and Design Guide as agreed with Fingal County Council. The Stapolin Village Masterplan sets out an internal structure of Class 2 Open Spaces to serve the entire development, details of which (including area measurements of each of the Open Spaces) are shown on the attached map.

Our planning consultant has advised that these measured areas exceed the requirements for Class 2 Open Space provision based on the standards set out in the Fingal County Development Plan 2005-2011 and working on the target population of 7,800 persons which is provided for in the Baldoyle Action Plan 2001.

The main Class 2 Open Space located at Stapolin Haggard, to the south of the Peshanko Lands, is currently being developed on foot of compliance submissions made to Fingal County Council in conjunction with the Phase 2 Planning Permission (FO3A/1162 PL06F.205156).

The area between sectors 56 and 57 forms part of the Class 2 Open Space identified in the Stapolin Village Masterplan and is available as Class 2 Open Space for the development of the entire of the Stapolin development, including the Peshanko Lands. Consent has already been granted for the inclusion of this area in your client's intended planning application.

Our planning consultant has advised that the Class 2 Open Space as provided for in the Phase 2 Planning Permission includes adequate provision for Class 2 open space requirements for the purpose of your client's planning application in respect of the Peshanko Lands.

Yours faithfully



Director

For and on behalf of
Helsingor Limited

Enc. Folio 16298F File Plan – “Peshanko Lands”
Stapolin Village Masterplan Map – Class 2 Open Space Structure

Appendix E: Grant of Extension of Duration Reg. Ref.: F11A/0290/E1

Comhairle Contae Fhine Gall
Fingal County Council

**An Roinn um Pleanáil agus
Infrastruchtúr Straitéiseach**
Planning and Strategic
Infrastructure Department



Kiaran O'Malley
St. Heliers
Stillorgan Park
Blackrock
Co. Dublin

Kiaran O'Malley & Co. Ltd.
RECEIVED
11 MAY 2018

NOTIFICATION OF DECISION TO GRANT EXTENSION OF DURATION OF PERMISSION
PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED

Decision Order No. PF/0667/18	Decision Date 10 May, 2018
Register Ref. F11A/0290/E1	Registered 16 March, 2018

Applicant Regents Park Development Ltd.

Development Permission for the construction of (i) 400 no. dwelling units consisting of 49 no. three storey 5 bed house units (25 no. with study @ 223-260 sq.m. and 24 no. @ 218-258 sq.m.), 7 no. three storey 4 bed live work units (205-232 sq.m.), 14 no. 3 bed duplex townhouses 152-176 sq.m.), 54 no. ground floor apartments with gardens (44 no. 3 bedroom units @ 123-180 sq.m. and 10 no. 2 bedroom units @ 92-115 sq.m.), 30 no. penthouse apartments with roof terraces (11 no. 4 bedroom units @ 194-228 sq.m., 17 no. 3 bedroom units @ 131-209 sq.m., and 2 no. 2 bedroom units @ 126 sq.m. each), 185 no. 3 bec apartments (123-180 sq.m.), and 61 no. 2 apartments (92-115 sq.m.). The dwelling units will be in fifteen buildings with varying building heights from three to eight storeys. The site comprises sectors 42, 43, 47 and 54 to 58 of Stapolin village masterplan design guide and will be phase v of an overall urban community as provided for in the Baldoyle/Portmarnock action plan. All apartments and duplex townhouses have balconies and or terraces. (ii) A three storey creche (430 sq.m.) with basement level storage and set down

Bosca 174, Áras an Chontae, Sord, Fine Gall, Co. Bhaile Átha Cliath / P.O. Box 174, County Hall, Swords, Fingal, Co. Dublin
Swords Office t: Registry (01) 890 5541 Decisions (01) 890 5670 Appeals (01) 890 5724 f: (01) 890 6779
e: planning@fingal.ie www.fingal.ie

Bóthar an Gharráin, Baile Bhlainséir, Átha Cliath 15 / Grove Road, Blanchardstown, Dublin 15
Blanchardstown Office t: (01) 870 8436 f: (01) 890 5832 e: blanch.planning@fingal.ie

Reg. Ref.: F11A/0290/E1

parking for 4 cars at grade and 6 no. staff car parking spaces at basement level; (iii) 3 no. retail units with basement level storage (total gross retail floor area of 356 sq.m.); (iv) 159 no. car parking spaces at surface level and 701 no. underground car parking spaces for the entire proposed development; (v) 6 no. ESB substations at surface level; (vi) bicycle stores, bin stores, private residential stores, service rooms, car park utility/storage area, plant rooms, etc. all at basement level; (vii) landscaping; and all ancillary site development works on a 4.98 hectares site. The total gross floor area of the proposed development is 68,867 sq.m.. An environmental impact statement accompanies this application.

Location Townland Of Stapolin, Grange Road, Baldoyle, Dublin 13

Dear Sir/Madam,

I refer to your application pursuant to Section 42 of the Planning and Development Act 2000 as amended by way of substitution of Section 28 of the Planning and Development (Amendment) Act, 2010, to extend the period for which the above permission has effect and wish to inform you that Fingal County Council extended the period to 25-May-2023 in respect of Register Reference F11A/0290/E1.

Please note the following (6) point(s) below.

1. The extension of duration of this Planning Permission shall be up to and including 25th May 2023 and shall expire thereafter. All works shall be completed by that date to the satisfaction of the Planning Authority.
2. The terms and conditions of permission granted under F11A/0290 shall be complied with in full in the course of the development herein permitted for this application.
Note 3.
3. In the interest of Public Health and Environmental Sustainability, Irish Water Infrastructure capacity requirements and proposed connections to the Water

Reg. Ref.: F11A/0290/E1

and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

4. The applicant is advised that under the provisions of Section 34(13) of the Planning and Development Act 2000 a person shall not be entitled solely by reason of a permission to carry out any development.
5. The applicant is advised that the onus is on them to comply in full with the Building Control Regulations.
6. The applicant is advised of a potentially contaminated site located c. 100m to the north of the subject site. As a precautionary measure, the applicant is requested to liaise with Fingal County Council Environment Section prior to the commencement of the development.

Yours faithfully,


_____ 10-May-2018
for SENIOR EXECUTIVE OFFICER