



MATERIAL CONTRAVENTION STATEMENT – WHITE PINES CENTRAL SHD

FOR ASSESSMENT OF PROPOSED RESIDENTIAL DEVELOPMENT AT WHITE PINES
CENTRAL, STOCKING AVENUE, DUBLIN 16



PREPARED FOR:

ARDSTONE HOMES
48 Fitzwilliam Square
Dublin 2
D02 EF89

PREPARED BY:

TOM PHILLIPS + ASSOCIATES
80 Harcourt Street
Dublin 2
D02 F449

IN ASSOCIATION WITH:

VIRTUS PROJECT MANAGEMENT
5th Floor
The Glass House
11 Coke Lane
Dublin 7
D07 WNP2



1.0 INTRODUCTION

Tom Phillips + Associates¹ have been instructed by Ardstone Homes Limited², to prepare a *Material Contravention Statement* to accompany an application for planning permission in respect of a proposed Strategic Housing Development (SHD) on a site of c. 2.2 hectares at lands south of Stocking Avenue, Dublin 16, known as White Pines Central.

The proposed residential development at White Pines Central provides for 114 no. Build to Rent (BTR) residential units, with a density of c. 52 units per hectare and heights of up to six storeys.

This Statement provides a justification for the Material Contravention of the provisions of the *South Dublin County Council Development Plan (SDCCDP) 2016-22 and Ballycullen - Oldcourt Local Area Plan (BOLAP) 2014 Extended*. A summary of the key issues is provided below, with a more detailed discussion provided in Sections 3.0 and 4.0.

Ultimately, it is a matter for An Bord Pleanála (ABP), to determine whether the proposed development in fact materially contravenes the relevant Development Plan/Local Area Plan. However, for the purposes of this planning application, the Applicant has identified aspects of the proposed development that may be considered a material contravention.

Context of the Proposed Development

The subject site at White Pines Central forms part of a wider masterplan development, known as White Pines. The White Pines masterplan development comprises; White Pines Central, White Pines East, White Pines North, White Pines South and White Pines Retail (see Figure 1.2 below).

As noted in Section 3 of the Planning Statement prepared by TPA, the entire White Pines masterplan site is being developed by our client, Ardstone Homes, who have already provided 281 No. 3-5 bed family homes on the White Pine North and White Pines South sites. Furthermore, Ardstone Homes have recently submitted a separate SHD planning application for the construction of an additional 241 no. apartment and duplex units (known as White Pines East). The subject application at White Pines Central comprises the 5th and final phase of the wider White Pines masterplan development.

¹ 80 Harcourt Street, Dublin 2, D02 F449

² 48 Fitzwilliam Square, Dublin 2, D02 EF89

Phase	Provided/Proposed	Status
1. White Pines North	175 no. 3-5 bed family homes	Complete and Occupied
2. White Pines South	106 no. 3-5 bed family homes	Complete and Occupied
3. White Pines Retail	A single storey convenience retail unit (c.1,688 sq.m. GFA) and a three storey creche building (c.591sq.m. GFA).	Construction Commenced August 2020
4. White Pines East SHD	241 units in a mix of 1 and 2 bed apartments (see Table 1.2 below).	SHD application submitted 30.03.2021
5. White Pines Central SHD	114 no. 1-3 Bed apartments/duplex units.	Subject application.

Table 1.1: White Pines Masterplan Development



Figure 1.1: Urban Context Map, Source: www.geohive.ie; Cropped by TPA, 2021



Figure 1.2: Adjoining Ardstone Homes Development Sites, source Google Maps, annotated by TPA, 2021.

1.1 Summary of the Material Contraventions

The proposed development (shown in Figure 1.3) is considered to materially contravene policies of the *SDCCDP 2016-22* and *BOLAP 2014*, in terms of Building Height, Density, Dwelling Mix and LAP Phasing Requirement.

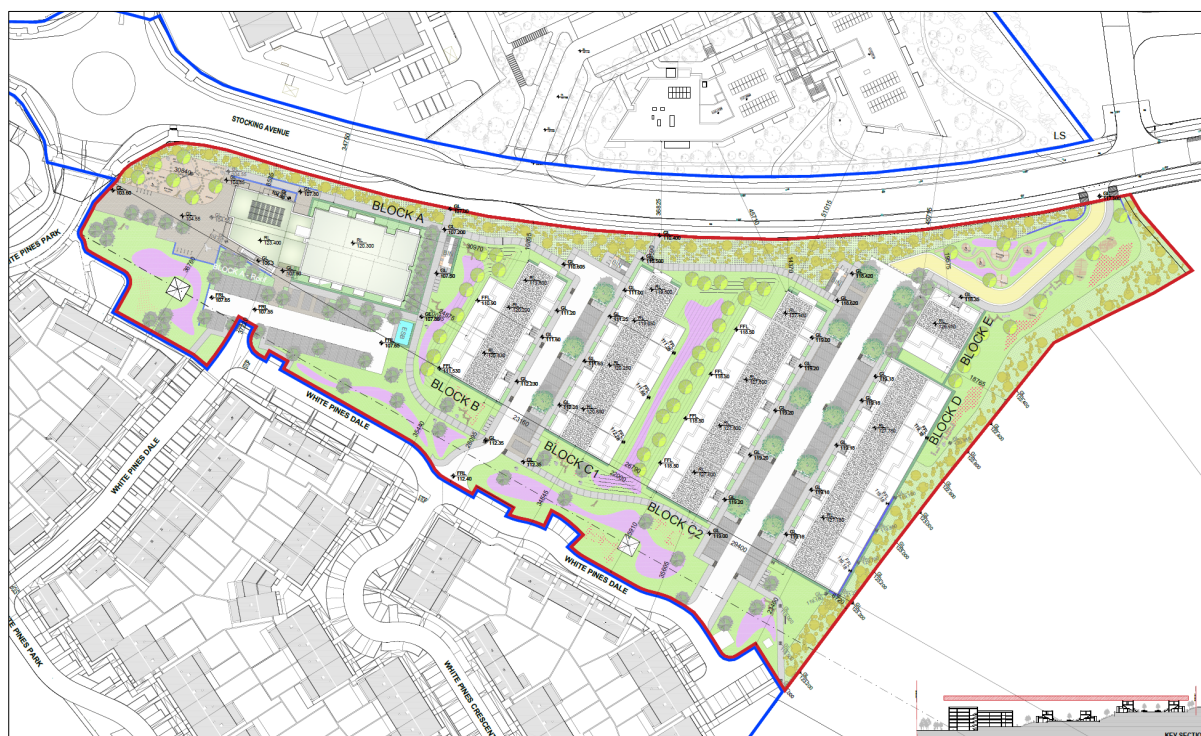


Figure 1.3: Proposed Site Plan - Level 1, Drawing No. 3.2_011 (Source: RAU)

1.1.1 Building Height

The proposed development provides 1 no. 4 - 6 storey apartment block and 5 no. 3 storey duplex buildings. This is considered to materially contravene Policy H9 Objective 4 of the *SDCCDP 2016-22*, and Objective LUD8 of the *BOLAP 2014*. This matter is addressed in detail in Section 5.1 below.

1.1.2 Density

The proposed scheme, when considered in isolation, provides for a residential development with a density of c. 52 dwellings per hectare (114 units/2.2 hectares). The site is located across three defined areas of the *BOLAP 2014*, the Upper Slope, Middle Slope and Lower Slope lands. *The BOLAP 2014* sets a density requirement for each defined area of that *Plan*. The proposed development exceeds the density parameters set out in the *BOLAP 2014*.



As such, the proposed development is considered to materially contravene Policy H8, Objectives 5 and 6 of the *SDDP 2016-22*, and Objectives LUD 1 and LUD 5-7 of the *BOLAP 2014*, in terms of the density proposed.

This matter is addressed in detail in Section 5.2 below.

1.1.3 Dwelling Mix

The proposed development provides 114 No. Build to Rent apartment and duplex units. Local Policy Objective LUD3 of the *BOLAP 2014* requires a dwelling mix with a minimum of 90% or more houses. As such, the proposed development at White Pines Central is considered to materially contravene that objective. This matter is addressed in detail in Section 5.3 below.

1.4 Local Area Plan Phasing Requirement

The Phasing Strategy for the subject site is set out in Section 6.3.1 of the *BOLAP 2014*. The proposed development at White Pines Central is considered to be within Phase 4 of the Eastern designated lands, as set out in the *BOLAP 2014*.

As such, the following potential material contraventions with the *BOLAP 2014* Phase 1 and Phase 2 requirements have also identified. While it is noted that the proposed application is within Phase 4, it is still considered that the requirements of Phases 1 - 3 should also be met prior to the advancement of Phase 4, to ensure that the key outcomes of the preceding phases have been met such as the delivery of physical and social infrastructure.

Phase 1 requires, in part;

“upgrade of roundabout junction to four arm junction.”

Phase 2 requires;

“Completion of the Neighbourhood and Community Centre to include at least 190 sq.m of community floorspace in addition to the minimum quantum set out under Phase One (at least 460 sq.m community floorspace total) and upgrade of roundabout junction to four arm junction with crossing facilities.”

Phase 3 requires;

“Completion of landscaping of Green Buffer with tracks and trails along southern boundary with mountains”



It is noted that at the time of this application although the subject application is within Phase 4 of the planned lands, none of the above referenced Phase 1 - 3 requirements have been provided for. This matter is addressed in detail in Section 5.4 below.

Phase 4 requires, in part;

“Commencement of construction of the designated Primary School on the eastern side of the Plan lands and the Primary School and/or Post Primary School on the western side of the Plan Lands. “

As discussed below, there is considered to be sufficient justification for An Bord Pleanála to grant permission for the proposed development notwithstanding the material contravention of the *SDCCDP 2016-2022* and *BOLAP 2014*. These matters are discussed in greater detail in Sections 4 and 5 below.



2.0 MATERIAL CONTRAVENTION POLICY CONTEXT

The *Planning and Development (Housing) and Residential Tenancies Act, 2016* confirms the manner in which An Bord Pleanála may grant permission for a development which materially contravenes a Development Plan or Local Area Plan, other than in relation to the zoning of land. Part 2, Section 9 (6) of the Act states:

“(a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.

(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.”

Section 37(2)(b) of the *Planning and Development Act, 2000 (as amended)* states:

“(2) (b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, (our emphasis), or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.”



The National, Regional and Local policy context which pertains to the site is discussed further below. It is submitted to An Bord Pleanála that the provisions of the more recently adopted National Planning Framework (NPF) in particular; the *Urban Development and Building Heights Guidelines for Planning Authorities (2018)*, the *Sustainable Urban Housing: Design Standards for New Apartments (2020)* and, the *Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (2019)*, supersede the provisions of the *SDCCDP 2016-2022* and *BOLAP 2014*, and that planning permission can be granted for the development as proposed on the guidance provided for within the National and Regional Planning Guidance.

3.0 DESCRIPTION OF DEVELOPMENT

Ardstone Homes Ltd. intend to apply to An Bord Pleanála for permission for a strategic housing development at a site a site of c.2.2 ha, at Stocking Avenue, Dublin 16.

Namely;

“The development (c.10,673 sqm GFA) will consist of the construction of 114 no. Build to Rent (BTR) residential units: in 6 no. apartment/duplex blocks, ranging in height from 3 - 6 storeys;

The development will provide 32 no. 1 bed, 53 no. 2 bed units and 29 no. 3 bed Build to Rent (BTR) units as follows:

- *Block A is a part 6 part 4 storey apartment block comprising 47 No. units (26 no 1 bed units and 21 no. 2 bed units). Block A includes balconies on southern, northern and western elevations. Residential Tenant Amenities comprising c.110 sqm is provided at lower ground floor level of Block A to serve all residential units, comprising; a reception area, residents lounge and multipurpose room.*
- *Block B is a 3 storey duplex block comprising 11 No. units (2 no. 1 bed apartments, 5 no. 2 bed apartments and 4 no. 3 bed duplex units). Block B includes balconies/terraces on western and northern elevations.*
- *Block C1 is 3 storey duplex block comprising 15 No. units (2 no. one bed units, 7 no. 2 two bed units and 6 no. three bed units). Block C1 comprises balconies/terraces on the eastern and northern elevations*
- *Block C2 is 3 storey duplex block providing 19 no. units (2 no. one bed units, 9 no. 2 two bed units and 8 no. three bed units). Block C2 includes balconies/terraces on western and northern elevations.*
- *Block D is a 3 storey duplex block providing 18 no. units (9 no. 2 bed apartments and 9 no. 3 bed duplex units). Block D comprises terraces on western elevation.*
- *Block E is a 3 storey duplex block comprising 4 No. units (2 no. two bed units and 2 no. 3 bed units). Block E comprises terraces on southern elevation.*

The development will also provide 98 no. car parking spaces and 198 no. cycle parking spaces. The main vehicular access to the scheme will be from Stocking Avenue, via White Pines Dale. An additional emergency vehicular access point will also be provide from Stocking Ave, to the north east of the site, facilitating access for emergency vehicles only. This access will also facilitate access for pedestrians and cyclists.

All other ancillary site development works to facilitate construction, site services, piped infrastructure, 1 no. ESB sub-station, plant, public lighting, bin stores, bike stores, boundary treatments and provision of public and private open space including hard and soft landscaping, plant, provision of public and private open space areas comprising hard



and soft landscaping, site services all other associated site excavation, infrastructural and site development works above and below ground.”



4.0 NATIONAL PLANNING CONTEXT – JUSTIFICATION FOR MATERIAL CONTRAVENTION

It is requested that An Bord Pleanála have regard to the following justification for a material contravention of the *Development Plan* and *Local Area Plan* on the basis that the policies and objectives stated in Section 28 of the *Planning and Development Act 2000*, as amended Government Guidelines in particular in relation to;

- *Project Ireland: National Planning Framework 2040* (2018);
- *Regional Spatial and Economic Strategy for the Eastern and Midland Region* (2019);
- *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (2009)
- *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities* (2020); and
- *Urban Development and Building Heights, Guidelines for Planning Authorities* (2018).

These guidelines enable increased building height and residential densities on sites adjacent to public transport routes and within existing urban areas. Therefore, the proposed development should be considered by An Bord Pleanála even if the proposed development contravenes materially the content of the *Development Plan* and the *Local Area Plan* relating to the area.

4.1 National Planning Framework 2040

The *National Planning Framework 2040 (NPF)* sets out a strategic development framework for the country to 2040. Among its key messages, is the need to provide the highest possible quality of life for people and communities via well-designed environments. The *NPF* estimates that Ireland will experience a population growth of 1 million persons by 2040.

A total of 50% of this growth is to be accommodated between the five cities of Dublin, Cork, Limerick, Galway and Waterford, with the remaining 50% to be absorbed within Ireland's large and small towns, villages and rural areas.

The *NPF* emphasises that the creation of attractive, liveable, well-designed urban places is critical to economic prosperity, and notes that high-value added services and highly skilled workers are attracted to such urban environments. It is acknowledged that "*architectural quality and well-designed spaces can help to enhance our urban areas and create desirable places in which people want to live, work or visit and contribute to ongoing quality of life and well-being*".

National Policy Objective 5 seeks to:

"Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity".

The *NPF* notes that one of the principal benefits of more compact urban development will be the reduction of harmful impacts on the environment, by, *inter alia*, utilising existing infrastructure, buildings and sites and reducing the need to travel long distances, thus improving the viability of public transport services.

National Policy Objective 11 confirms;

“In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth”

The *NPF* acknowledges that in order to enable appropriate forms of compact urban development, planning policies need to be “flexible, focusing on design-led and performance-based outcomes, rather than specifying absolute requirements in all cases”.

National Policy Objective 13 confirms that:

*“In urban areas, planning and related standards, including in particular **building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes** in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”* (our emphasis).

National Policy Objective 27 seeks to:

*“Ensure the integration of safe and convenient alternatives to the car into the design of our communities, **by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.**”* (Our emphasis.)

National Policy Objective 33 seeks to:

*“Prioritise the provision of new homes **at locations that can support sustainable development and at an appropriate scale** of provision relative to location.”* (Our emphasis.)

National Policy Objective 35 seeks to:

*“Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, **infill development schemes, area or site-based regeneration and increased building heights.**”* (Our emphasis.)



Thus, the *NPF* places particular emphasis on encouraging appropriate forms of compact development in order to make the most efficient use of zoned urban land in accommodating future population growth. With regard to Dublin, the *NPF* seeks to ensure that the future growth of the city occurs within its Metropolitan limits.

The proposed development seeks to harness the advantages of this location by maximising residential density whilst ensuring that the amenity of existing and proposed uses in the area are protected. It is also noted that the provision of the White Pines Retail development, outlined above, will provide the type of compact, vibrant and sustainable urban community encouraged by the *NPF*.

The wider White Pines Masterplan site provides a broad mix of residential unit types and sizes to address urgent housing need in the city, as shown in Table 5.3 below. The wider White Pines Masterplan site includes a mix of generous 3-5 bed family homes, provided at White Pines North and South. 1, 2 and 3 bed residential units are proposed as part of the White Pines East and White Pines Central SHD developments.

The units proposed in White Pines Central will provide appropriate residential accommodation for individuals, people downsizing and smaller families that are just entering the property market. The broad residential mix provided across the White Pines Masterplan site ensures that the future residents of the scheme will comprise a diverse population group from varying ages and socio-economic groups.

In seeking to facilitate development such as this, the *NPF* acknowledges that prescriptive planning standards, such as those relating to building height, have not been sufficiently flexible in order to respond to well-designed proposals which can deliver more sustainable forms of urban development.

In this regard, we note that the height of the proposed development exceeds the height limitations outlined in the *SDCCDP 2016-22* or the *BOLAP 2014*. However, as detailed below, it is submitted that the proposed building heights are appropriate for the subject site, with no undue impacts arising to the surrounding environment or neighbouring buildings as demonstrated by the technical assessments which accompany this planning application, including the EIAR.

Thus, it is submitted to An Bord Pleanála that there is clear National policy direction that residential development densities and heights must be increased in order to accommodate future population growth and to counteract patterns of urban sprawl. Having regard to the foregoing, it is submitted that the residential density which is identified for the subject site under the *BOLAP 2014*, does not comply with the National policy objectives set out above.

The subject site is strategically located on zoned lands adjacent to the existing urban footprint of the Ballycullen/Oldcourt area of South Dublin. The site is well served by public transport, with a bus stop for Dublin Bus Route No. 15B located at the entrance to the site on Stocking Avenue

and the Dublin Bus 15 bus route, located c. 900m west of the site on Ballycullen Road. In addition to this, significant public transport improvements are also proposed for the area as part of National Transport Authority’s BusConnects programme.

The National Transport Authority (NTA) has developed a strategic transport plan, known as BusConnects, which will transform and overhaul the current bus network to provide a more efficient network. The proposed network will deliver the ‘next generation’ of bus corridors on the busiest routes and redesign routes with the aim of offering fast, predictable and reliable bus journeys.

Under the BusConnects proposals, the following routes will serve Ballycullen and the subject site and are shown below in Figure 4.1:

- A1 Route–Ballycullen-Beaumont; and
- 16 Route–Tallaght–Parnell Square.

The number 16 bus route, proposed under BusConnects, runs from Tallaght to the City Centre via Ballyboden, Rathfarnham, Harold’s Cross and on to Parnell Square. This route is proposed to operate with a frequency of 10-15 minutes along Stocking Avenue and is directly adjacent the subject development site. This new bus route provides the subject development site with direct access to Tallaght along with the LUAS Red Line which offers an alternative means of travelling to the city centre.

The A1 bus route runs from Ballycullen to Beaumont via City Centre. This route is proposed to run along Ballycullen Road, approximately 1.2km west of the subject development, with services proposed to operate with a 10-15 minutes frequency.

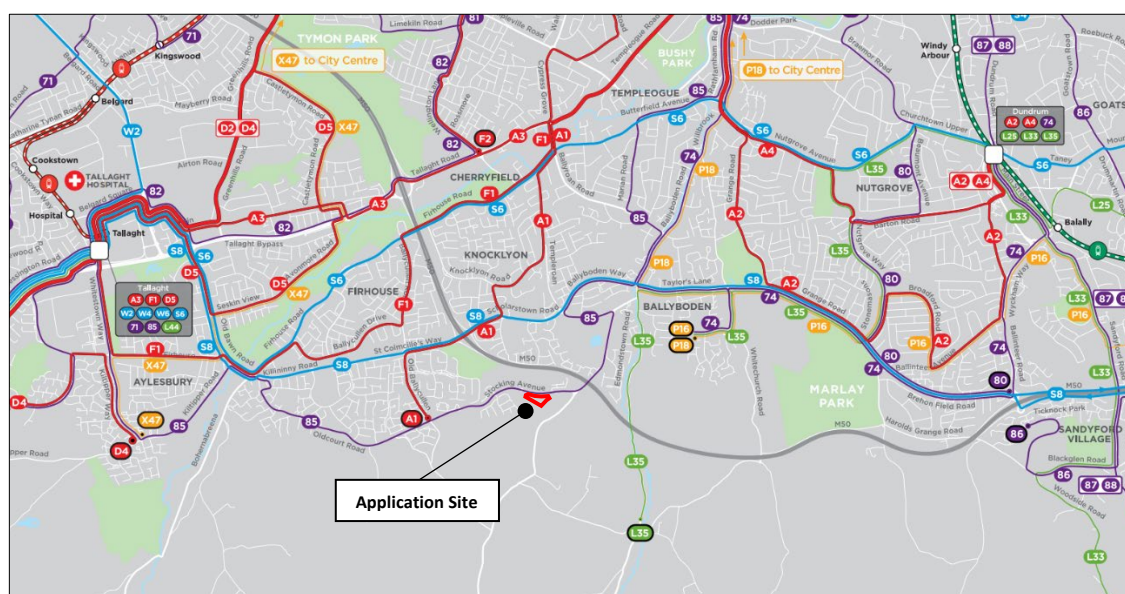


Figure 4.1: Bus Connects Routes



The planning application also includes an EIAR, composed by various expert members of the design team and compiled by TPA. In addition to this, a *Community Facility Audit*, a *Childcare Facility Audit* and a *School Needs Assessment*, prepared by TPA, are also included with this application. These documents provide detailed assessments of the carrying capacity of surrounding facilities to support the proposed development at White Pines Central SHD.

As noted above, Ardstone Homes recently commenced construction, on a new neighbourhood centre comprising: a single storey convenience retail unit (c. 1,479 sq m) and a three storey creche building (c. 591 sq m GFA), *SDCC Ref. SD19A/0345* (Granted 9th April 2020). This development adjoins the subject site to the west and will serve the proposed development at White Pines Central and the surrounding White Pines masterplan lands.

As noted in Section 5.2 below, if the density requirement set out in the *BOLAP 2014* is implemented for the application site alone, this would give a residential density of between 19 – 25 dwellings per Ha for the application site.

It is considered that a density of 19-25 units per Ha would be in direct contravention to National Planning Policies and objectives, through the underutilisation of a central/accessible site with good existing public transport connections and forthcoming public transport improvements, proposed under the National Transport Authority's BusConnects project.

As such, it is submitted that the development of the entirety of these lands at a net residential density of c. 45 unit/h, fully accords with National Policy Objective 33 and the wider aims of the National Planning Framework.

4.2 Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019)

The *Regional Spatial & Economic Strategy (RSES)* has been published by the Eastern and Midland Regional Assembly and covers nine counties including twelve local authorities.

A central aim for growth of new residential developments is to create more self-sustaining settlements. The RSES emphasizes the importance of "*compact sustainable growth*" which maximizes the use of under-utilized lands and consolidates growth in urban areas.

The purpose of the Strategy is to support the implementation of Project Ireland 2040 through providing a long-term strategic planning and economic framework for the development of the Regions. Regional Policy Objective (RPO) 4.3 supports consolidation "*to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects*"



A *Metropolitan Area Strategic Plan (MASP)* has also been prepared for Dublin as part of the *RSES*. The *MASP* provides a 12 to 20-year strategic planning and investment framework for the Dublin Metropolitan Area.

The *MASP* is an integrated land use and transportation strategy for the Dublin Metropolitan Area that sets out;

- *A Vision for the future growth of the metropolitan area and key growth enablers, identifying strategic corridors based on their capacity to achieve compact sustainable and sequential growth along key public transport corridors, existing and planned*
- *Large scale strategic residential, employment and regeneration development opportunities and any infrastructure deficits or constraints that need to be addressed*
- *A sequence of infrastructure priorities to promote greater co-ordination between local authorities, public transport and infrastructure providers for the phased delivery of sites."*

The proposed development is fully supported by the policies and objectives outlined in the *RSES*. A significant quantum of residential, retail and community uses are proposed within the area which has strong existing and proposed public transport connections, adjacent to a newly created neighbourhood centre, at White Pines Retail.

The restricted development of the site, as provided by the *BOLAP 2014*, is clearly in conflict with the *RSES* objectives for higher density development.

4.3 Sustainable Residential Development in Urban Areas Guidelines (2009)

The *Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, 2009* and its associated document *Urban Design Manual – A Best Practice Guide, 2009* illustrate essential criteria for sustainable urban residential development and describes how a scheme can integrate seamlessly into a site, taking consideration of its surroundings and thus presenting the best possible residential design scheme in built-up areas.

These Guidelines provide national guidance in relation to the appropriate locations for the siting of higher density residential development, having regard to the locational characteristics of the lands in question.

It is considered that the subject site constitutes an '*Infill Residential Development*', which is defined in the Guidelines as:

"Potential sites may range from small gap infill, unused or derelict land and backlands areas, up to larger residual sites or sites assembled from a multiplicity of ownerships.



In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The local area plan should set out the planning authority's views with regard to the range of densities acceptable within the area. The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc. Local authority intervention may be needed to facilitate this type of infill development, in particular with regard to the provision of access to backlands.” (Our emphasis.)

The proposed development will have a residential density of c. 52 no. units per hectare, comprising a mix of 6 No. buildings, ranging in height from 3 to 6 no. storeys, providing 114 No. apartment and duplex units. The scheme has been designed to respond to the specific site characteristics and will deliver a high-quality development, with an appropriate residential mix for the surrounding area.

It is considered that the proposed scale of the development is appropriate for the site, having regard to the following:

1. *The National Planning Framework (Ireland 2040 – Our Plan)*, RPGs, and *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (March 2018)*, which promotes higher residential densities and consolidation in the Dublin area.
2. The proximity of this site to high frequency peak public transport connections provided through Dublin Bus routes 15 and 15B and the forthcoming public transport improvements, as set out under the proposed BusConnects programme.
3. The provision of a high-quality architectural development with generous public open space and high levels of residential amenity for prospective residents.
4. The wide range of commercial, social, community uses within the site and commercial uses on surrounding sites.
5. The infrastructural capacities in the area, including inter alia the roads and drainage networks, as detailed in Chapter 10 (Hydrology) and 14 (Traffic and Transportation) of the EIAR submitted with this application.

In addition to the high-quality design approach that has been adopted for the residential units, the proposed landscape design will provide an appropriate mix of tree planting and useable public open space design, delivering a high quality public open space area within the scheme. For further information please refer to the *Landscape Design Report*, prepared by Mitchell + Associates.



4.4 Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)

The *Design Standards for New Apartments Guidelines for Planning Authorities 2020 (Apartment Guidelines)* build upon the provisions of the National Planning Framework in signalling a move away from blanket restrictions on heights in certain locations in favour of an evidence-based approach based on performance criteria.

The *Apartment Guidelines (2020)* provide clear guidance with regard to the types of location which are considered suitable for higher density developments that may wholly comprise apartments.

Section 2.4 of these *Guidelines* sets out three types of locations: Central and /or Accessible; Intermediate Urban; and Peripheral and/or Less Accessible Urban Locations. The proposed development site is located in an area that meets the criteria for Central and /or Accessible Locations; and/or Intermediate Urban Locations.

Table 4.1 below shows how the subject site meets the identified criteria.

Central and /or Accessible Locations

Criterion	Response
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.	The site is located adjacent to a recently permitted Neighbourhood Centre, South Dublin Ref. SD19A/0345, c. 30m southwest of the application site, shown in Figure 1.2 above..
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);	N/A
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.	Dublin Bus's 15b bus service runs 10 minute peak hour frequency ³ .

Table 4.1: Demonstration of compliance with Central / Accessible Urban Location criteria

³ <https://www.dublinbus.ie/Your-Journey1/Timetables/All-Timetables/15b2/>



Intermediate Urban Locations

Criterion	Response
Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;	The site is located adjacent to a recently permitted Neighbourhood Centre, South Dublin Ref. SD19A/0345, c. 30m southwest of the application site, shown in Figure 5.3 below.
Sites within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided;	Dublin Bus's 15b bus service runs 10 minute peak hour frequency ³ . In addition to this, the site is also located within 900m of Dublin Bus' Route No. 15 and emerging public transport connections proposed under BusConnects. The site is also located within 1,000m of other less frequent bus routes such as the 16.
Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus service	Dublin Bus's 15b bus service runs 10 minute peak hour frequency ³ . In addition to this the site is also located within 900m of Dublin Bus' Route No. 15 and emerging public transport connections proposed under BusConnects.

Table 4.2: Demonstration of compliance with Intermediate Urban Location criteria

It should be noted that the site of a proposed development only needs to meet one of the specified criteria and not all of them. In this regard, the subject site meets the above criteria for both Central and /or Accessible Locations; and/or Intermediate Urban Locations given its proximate location adjacent to a high frequency Dublin Bus Routes (15 and 15b).

While it is noted that the site can be considered a Central/Accessible location (under national statutory definitions), it is accepted that this site would not be considered central/accessible in the context of the Dublin Metropolitan Area. As such, the site is conservatively considered to be an 'Intermediate Urban Location' for the purpose of this assessment. *Intermediate Urban Locations* are appropriate for apartment developments with densities in excess of 45 units per ha.

The Guidelines set out a number of Specific Planning Policy Requirements (SPPRs) which;

“take precedence over any conflicting, policies or objectives of development plans, local area plans and strategic development zone planning schemes. Where such conflicts arise, such plans should be amended by the relevant planning authority to reflect the content of these guidelines and properly inform the public of the relevant SPPR requirements.” (Para 1.21 refers.) (Our emphasis)



It is clear that the density limitation provided by the *SDCCDP2016-22* and *BOLAP 2014* are in direct conflict with the provisions set out by the *Apartment Guidelines (2020)*.

In addition to the above, given the proposed development is proposed as Build to Rent, **SPPR 8 (i)** of the *Guidelines* is of particular relevance to the subject development. Regarding the provision of Build to Rent residential units, **SPPR8 (i)** states;

- (i) *No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;*

4.5 Urban Development and Building Heights Guidelines for Planning Authorities (2018)

The aim of the *Guidelines* is to ensure that local height policies do not undermine national policy objectives to provide more compact forms of development and the consolidation and strengthening of existing built-up areas.

The *Guidelines* identify in SPPR 1, the requirement for local authorities to review statutory plans in support of increased densities and building heights on infill sites, such as the subject site.

*“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.**”* (Our emphasis.)

Section 1.3 of the *Guidelines* notes;

“in determining planning policy and making planning decisions around appropriate building heights, the planning process has to strike a careful balance between on the one hand enabling long-term and strategic development of relevant areas, whilst ensuring the highest standards of urban design, architectural quality and place-making outcomes on the other”.

The *Guidelines* also notes that a number of Local Authorities have recently identified generic maximum building height limits across their functional areas but that:

“such limits, if inflexibly or unreasonably applied, can undermine wider national policy objectives to provide more compact forms of urban development as outlined in the National Planning Framework and instead continue an unsustainable pattern of development whereby many of our cities and towns continue to grow outwards rather than consolidating and strengthening the existing built up area. Such blanket

limitations can also hinder innovation in urban design and architecture leading to poor planning outcomes”.

The *Guidelines* further acknowledge that:

*“while achieving higher density does not automatically and constantly imply taller buildings alone, **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**” (Our emphasis.)*

In submitting a planning application for increased building heights, the *Guidelines* set out a number of criteria which must be complied with, each of which is addressed in the following sections of this Report, with respect to the redevelopment of the White Pines Central SHD site.

A. At the scale of the relevant city/town

- A1.** *“The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport”.*

The site benefits from good public transport connections, with a high frequency peak public transport links. The site is located adjacent to the 15B bus stop, providing high frequency peak bus links to Dublin City via, Rathfarnham Village, Rathgar and Rathmines.

The site is also within easy walking distance on the 15 bus route terminus. The 15 bus route is a cross city service connecting Ballycullen Road to Clongriffin Rail Station. This service also provides access to the City Centre via Knocklyon, Templeogue, Rathfarnham and Rathmines.

In addition to this, Tallaght Town Centre and Tallaght Hospital, significant employment hubs for the surrounding area, are also accessible via connecting bus services, Dublin Bus routes 61/161. These routes also provide a direct connection to the Line Luas at Tallaght. During morning peak (7am- 10am), public transport journey times are listed to take c. 35-45mins (source: googlemaps.com).

- A2.** *“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 design of the proposed development, in particular the inclusion of the 46storey Block A, has been given careful consideration in the context of the wider White Pines Masterplan site. A



new public plaza is proposed at the base of Block A that will tie into the wider landscape masterplan.

The proposed landscaping treatment has been specifically designed to ensure that it ties into the existing areas of open space, through the provision of a pockets of useable open space. The use of natural building materials (e.g. wood, which has already successfully been implemented at White Pines North and South, will further ensure a coherent design.

In addition to this, as noted in the Landscape Masterplan prepared by MA, the area of open space proposed at White Pines Central SHD will be provided in combination with the wider White Pines Masterplan site, to ensure a coherent provision of Open space that serves the entire White Pines Masterplan site. For further information, please refer to the Landscape Architects Report, prepared by MA.

In addition to this a Landscape and Visual Impact Assessment has also been submitted with this application, at Chapter 9 of the EIAR. This assessment details how the proposed design was carefully considered to ensure the development successfully integrates into, and enhances the character and public realm within and surrounding the site, having regard to topography, its context and setting of key landmarks.

- A3.** *“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 the adjoining developments and create visual interest in the streetscape”.*

The proposed development provides for the construction of 6 No. distinct blocks ranging in height from 3 to 6 No. storeys. As detailed above, the scale of the proposed development is considered acceptable in the context of the site’s accessible location, and public transport connections.

As detailed below, the inclusion of Block A, at 4-6 storeys, has been specifically chosen, in part to act as a local landmark with the key aim of providing a distinct development that will tie into the emerging commercial development at White Pines Retail and aid in local wayfinding. Section 5.1 of this *Statement* provides a comparison with the built form of development at similar roundabout locations within the Local Area Plan lands, noting that where increased building heights had not taken place at these key roundabout locations the form of development provided appears quite monotonous, failing to make any meaningful contribution to place-making. This section of the report also identifies a no. of precedents in the area, where there the emerging form of development in the area favours taller buildings at key roundabout locations

As detailed in this Section, the proposed development has been assessed against National, Regional and Local planning policies and is considered to be an appropriate scale, which responds to the scale of the adjoining developments.

B. At the scale of the district/neighbourhood/street

B1. *“The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape”.*

As detailed above, the proposed development is considered to be an appropriate scale, and is in accordance with the emerging form of development surround the site, as detailed in Section 5.1 and Figures 5.4 – 5.9 below, the development responds to the scale of the development in the wider *BOLAP* area.

The redevelopment will provide a 4-6 storey landmark structure, fronting Stocking Lane and 5 no. 3-storey duplex blocks, that will be delivered in accordance with White Pines North, South and East, to create a new residential neighbourhood known as White Pines.

It is further noted that the inclusion of the 4-6 storey building, Block A, will create a sense of place and a distinct location on Stocking Avenue that will tie into the emerging Retail and Creche provision at White Pines Retail, currently under construction. The proposed development will ensure that, visually, the White Pines Central SHD site ties in with the existing and emerging form of development in the area, whilst also creating a location, distinct in its own right, and a sense of place.

The development also provides for significant improvements to the public realm, creating a people friendly environment of streets and spaces. The proposed development will also provide internal residential amenity space to serve the future residents.

The scheme design is further enhanced by a high standard of landscape design and urban spaces. A range of amenity zones are proposed throughout the site, readily accessible from the residential units, linked through a network of pedestrian routes connecting the proposed development at White Pines Central to the wider White Pines masterplan site.

Family orientated facilities, including child play spaces will also be provided throughout the site. For further information please refer to the Landscape Masterplan and Landscape Architects Report , prepared by MA.

B2. *“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 development has been carefully designed to avoid long, uninterrupted walls of building in the form of slab blocks and also proposed a range of commentary façade materials, providing a distinct high-quality appearance that successfully integrates with the surrounding streetscape.



For further information please refer to the Design Statement prepared by RAU and the Landscape Visual Impact Assessment, prepared by MA, included at Chapter 9 of the EIAR.

- B3.** *“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 detailed above, the proposed landscape layout represents a significant enhancement to the urban design context for public spaces and key thoroughfares. A Flood Risk Assessment has been undertaken by DBFL in support of the proposed development. We refer the Board to the Site Specific Flood Risk Assessment, prepared by DBFL, submitted with this application for further information.

- B4.** *“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”.*

The proposed development will make a positive contribution to the legibility of the area. The area is largely defined by low rise housing accessed via a series of interconnected roundabouts. The roundabouts are generally marked by taller buildings from 5 to 7 storeys. The proposed development is consistent with its urban design approach making the area more legible and wayfinding easier.

In addition, the development provides several new pedestrian routes through the site in a north south direction that opens up the site to through movement by pedestrians. Vehicular access is also provided from Stocking Avenue via White Pines South to create a through route.

This greatly improves access from Stocking Avenue and White Pines South for existing and future residents in the area.

- B5.** *“The proposal positively contributes to the mix of uses and/or building/dwelling typologies available in the neighbourhood”.*

The development of the site will provide a mixed residential topography for a diverse range of people, detailed further in Section 5.3 of this Report. In addition to this, the proposed development will also tie into the emerging White Pines Retail development, that will serve existing and new residents in the immediate and wider area.

C. At the scale of the site/building



- C1. *“The form, massing and height of the proposed development should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light”.*
- C2. *“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”.*
- C3. *“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 site specific 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”.*

We refer the Board to the Sunlight/ Daylight Assessment, prepared by OCSC, submitted with this application, detailing the specific design considerations implemented to maximise access to natural daylight, ventilation, views and minimise overshadowing and loss of light. The report concludes;

“The analysis confirms that across the entire development excellent levels of internal daylight are achieved, with a 100% compliance rate achieved across the proposed development. All units not only meet but in the majority of cases exceed the Average Daylight Factor recommended in the BRE Guidelines.”

The Building Heights Guidelines (2018) also identify a number of technical assessments which should accompany planning applications which relate to development proposals for increased building heights. In this regard, we can confirm that all relevant technical assessments have been undertaken in support of the proposed development as enclosed, including; an EIAR, prepared by TPA, AA Screening Report, prepared by Altemar, Architectural Design Statement, prepared by RAU and Landscape Design Statement, prepared by MA.

The Guidelines confirm that where the above criteria are incorporated into development proposals, the relevant authority shall apply the following SPPR under Section 28(1C) of the Planning and Development Act, 2000 (as amended):

SSPR3 states, *inter alia*:

“It is a specific planning policy requirement that where:



1. *An applicant for planning permission sets out how a development proposals 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”.

It is submitted that the assessments which accompany this application clearly demonstrate that the proposed building heights can be comfortably accommodated on the subject site, with no significant impacts arising to the receiving environment.



5.0 LOCAL POLICY CONTEXT JUSTIFICATION

The proposed development at White Pines Central SHD is considered to materially contravene policies set out in the *SDCCDP 2016-22* and *BOLAP 2014*, in terms of its proposed building height, residential density, dwelling mix and LAP Phasing Requirements.

5.1 Building Height

The Proposed development provides 6 no. residential apartment and duplex buildings up to 6 no. storeys in height. This is considered to materially contravene the following planning policies, as set out in the *SDCCDP 2016-22* and *BOLAP (2014)*.

“SDCCDP 2016-22 H9 Objective 4:

To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use Zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme”.

BOLAP 2014 Objective LUD8

Development shall be no more than one storey at street level on the Upper Slope Lands, no more than two storeys at street level on the Mid Slope Lands and no more than three storeys on the Lower Slope Lands. New dwellings backing onto or adjacent to existing single storey dwellings should be no more than two storeys.”

The proposed development, at its highest point Block A at 6 no. storeys (c. +19.15 m) is in excess of the blanket restriction of 3 no. storeys, applied by *BOLAP 2014*. In addition to this it is also noted that the proposed development materially contravenes *BOLAP (2014)* policy *Objective LUD8* relating to the mid and upper sloped lands.

In addition to the policies outlined above, it is also noted that *SDCCDP 2016-22 Housing Policy 8* stipulates that:

“It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.”

Objective 8 of Policy 8 states that is an objective of the policy;

“To ensure that the density of residential development makes efficient use of zoned lands and maximises the value of existing and planned infrastructure and services, including public transport, physical and social infrastructure”

The blanket restrictions set by the *BOLAP (2014)*, in terms of both height and residential density, are clearly not in accordance with Objective 8 and Policy 8 of *SDCCDP 2016-22* and National Planning Policy and Guidance.

The suggested approach in the *National Planning Framework*, the *Apartment Guidelines (2020)* and *Building Height Guidelines (2018)*, detailed in Section 3, seek to achieve a flexible application to planning standards for well-designed proposals. This is particularly notable in respect of this development and the creation of a landmark building at Block A.

We refer the Bord to the enclosed Daylight and Sunlight Assessment carried out by OCSC and the Visual Impact Assessment prepared by Mitchell + Associates, which confirms that no significant impacts occur as a result of the proposed development.

It is further noted that the site has a sloping topography, rising from the site's lowest point on western boundary (+104.8 OD) to the site's highest point along the eastern boundary (c. 120.325m OD). Block A comprises the tallest element of the proposed development, located at the lowest point of the site along the western boundary. This allows for increased heights without compromising views, within and surrounding, the proposed development and the wider White Pines Masterplan site.

The proposed building heights and orientation have been carefully selected to respond to the site's sloping topography. As shown in Figure 5.1, given the site's sloping topography, when viewed from a distance, the proposed height of Block A will be broadly in line with Block C and Blocks D&E, due to the sloping topography of the site.

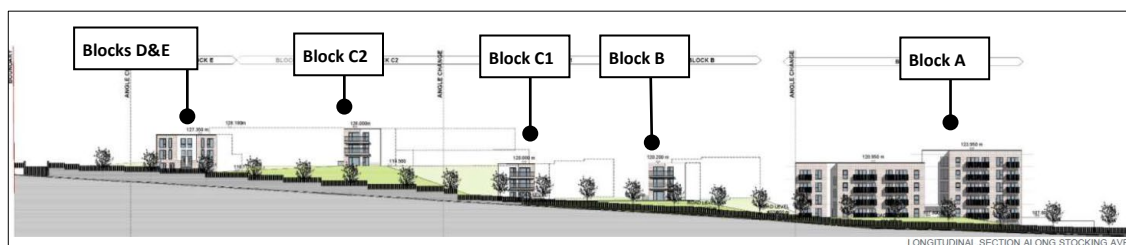


Figure 5.1: Site Section: Proposed Development May 2021 (Source: RAU.)

It is considered that the subject site is capable of easily accommodating a development of up to 6 no. storeys, without giving rise to any significant adverse impacts in terms of daylight, sunlight, overlooking or visual impact, as assessed in the accompanying EIAR. It is also worth noting that only a small element of Block A is in fact 6 stories and it will only read as such when viewed from the Plaza and the entrance to the development.

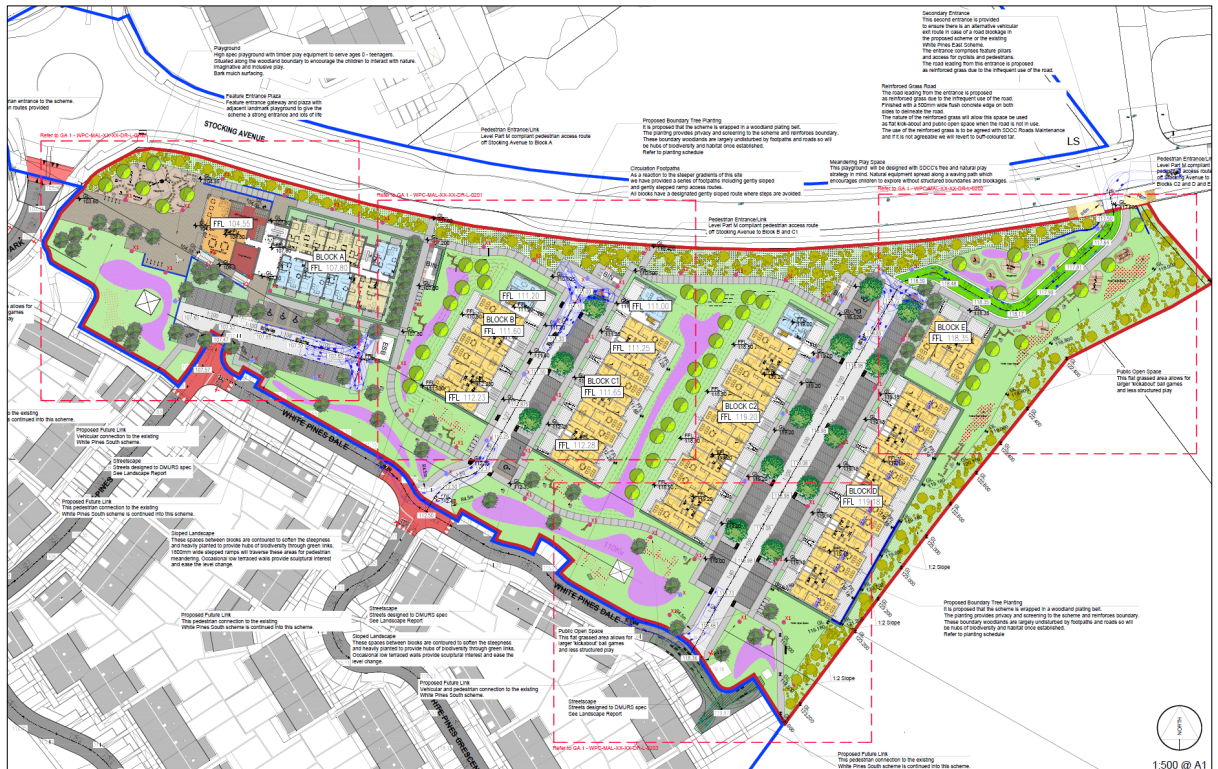


Figure 5.2: Landscape Masterplan, [Source MA, drawing no. 100]

The proposed Landscape Masterplan provides 6 no. residential blocks surrounded by a large quantum of publicly accessible open space c.9,959sq.m, representing c.46% of the total site area. This includes the area of open space proposed beneath the wayleave for the power lines.

The open space calculation does not include the area under the powerlines with the statutory open space calculations and even when this area under the power lines is excluded, the ratio of open space is c.37% (c.5,890 sq.m total)

Section 3 of the *Building Height Guidelines* contains guidance on the assessment of individual planning applications, and it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in town/city cores and in other urban locations with good public transport accessibility.

Section 3 of the *Building Height Guidelines* also states that planning authorities must apply 3 no. principles during the consideration of proposals that incorporate buildings taller than prevailing building heights, as follows;

- “Does the proposal positively assist in securing National Planning Framework objectives of focussing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?”

- *Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?*
- *Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?"*

In addition to the above, as noted in Section 4.5 of this Report, in submitting a planning application for increased building heights, the *Building Height Guidelines* set out a number of criteria which must be complied with. Each of these criteria are addressed in detail above, with respect to the redevelopment of the White Pines Central SHD, concluding the site is an appropriate location for a tall building.

Distinctiveness is noted as one of the 12 no. key design features in the *Urban Design Manual: A Best Practice Guide (2009)*. The Design Guidelines compresses the various design features integral to good residential development into 12 no. criteria.



Figure 5.3: Design Breakdown [Source: Urban Design Manual, 2009; p. 9]

Distinctiveness is defined as how a proposal will create a sense of place. This is further detailed in *the Guidelines*, as follows;

- *“The place has recognisable features so that people can describe where they live and form an emotional attachment to the place;*
- *The scheme is a positive addition to the identity of the locality;*
- *The layout makes the most of the opportunities presented by existing buildings landform and ecological features to create a memorable layout;*
- *The proposal successfully exploits views into and out of the site;*
- *There is a discernible focal point to the scheme, or the proposals reinforce the role of an existing centre.”*

Regarding the creation of a sense of place, Section 6 of the Urban Design Manual states;

“Key to the success of a neighbourhood are features which are particular to that place and which encourage people to call a place home. It is no coincidence that the Italian word for devotion to a town, campanilismo, is derived from the word ‘campanile’ (a bell tower), a distinctive element in the built environment.

As well as helping people to form an attachment to a place, landmarks or easily recognisable features will ensure a place is easy to locate and navigate around by someone who has never been there before. Being able to successfully orientate their way around an area is a key determinant in people’s sense of personal security and safety.

Such features can include public art, landscaped areas, public buildings such as a library or community centre and even bars and restaurants. Additionally, interesting urban design and architecture will also have a role in helping an area to form a strong identity.”

It is noted that the site is located at a prominent roundabout location on Stocking Avenue. As shown in Figure 5.4 below, Stocking Avenue comprises a series of roundabouts which connects Stocking Lane to Hunters Wood, the Woodstown Village Centre and beyond. These roundabouts are identified as R1-R5 in Figure 5.4 below, and shown in Figures 5.5 - 5.8 below.

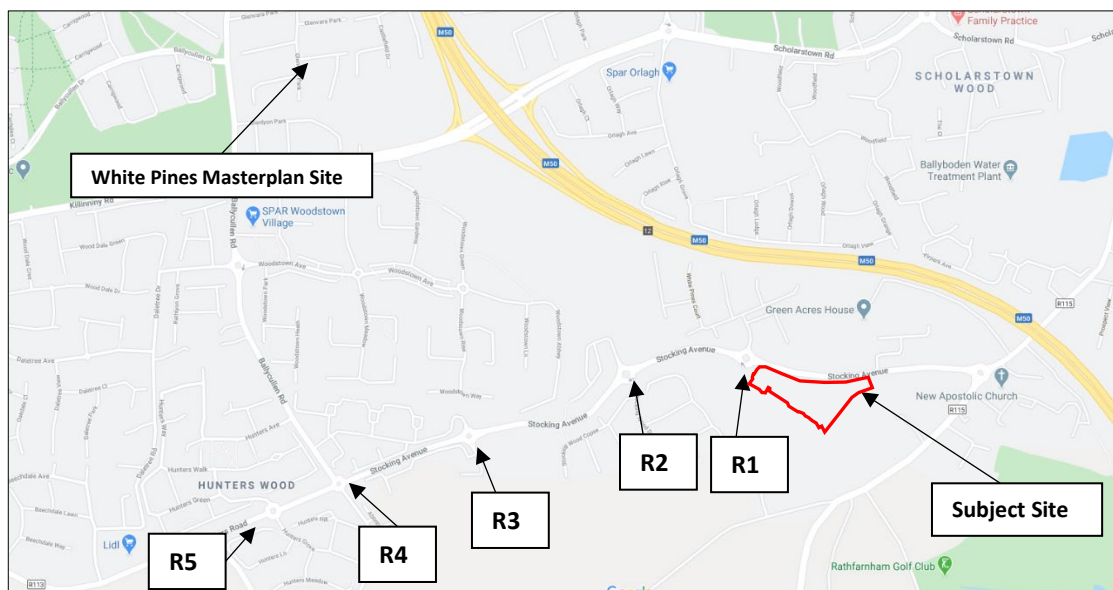


Figure 5.4: Stocking Avenue, Series of Roundabouts

As shown in Figure 5.6, the next roundabout west of the subject site (R2) comprises a number of 3 storey duplex units and 4-5 storey apartment buildings. It is considered that this creates a sense of distinctiveness for this space.

It is further noted that the closest roundabout to Hunters Wood and the Woodstown Village Centre (R4), comprises a mix of 2 storey houses, 3 storey duplex units, 4 storey apartment blocks, and a 7 no. storey apartment building, shown in Figure 5.8. It is considered that the mix of building types, specifically the inclusion of an apartment building that is 3-4 storeys in excess of surrounding properties, has been integral to the creation of a distinctiveness for the locations at R2 and R4 detailed above.

In comparison, it is also noted where increased building heights have not taken place on Stocking Avenue, i.e. where only 2-3 storey houses/duplex have been provided, these locations have a monotonous appearance lacking any distinctive features. This results in a very limited sense of place, as the monotonous building heights provide no distinguishing features. As such, it is considered that R3 and R5 fail to create a distinct sense of place. Please see Figure 5.7 and 5.9.



Figure 5.5: Stocking Avenue, R1



Figure 5.6: Stocking Avenue, R2



Figure 5.7: Stocking Avenue, R3



Figure 5.8: Stocking Avenue, R4



Figure 5.9: Stocking Avenue, R5



In addition to this it is also noted that the scale and height of Block A has been carefully selected to ensure it ties in with the emerging character of the area, specifically with regard to White Pines Retail comprising a single storey convenience retail unit (c. 1,688 sq m GFA) and a three storey creche building (c. 591 sq m GFA). It is considered that Block A, at 4-6 no. storeys (with the bulk of the building being 4 no. storeys), is required at this scale in this location, as a smaller structure would appear at odds with the emerging neighbourhood centre.

As noted above, the 5 no. storey apartment building located c.250m west of the subject site at R2, that is not tied into any commercial offering or located in area of note, sets a precedent for a 5 storey apartment building in the area. As such, it is considered that the sites location adjacent to the emerging Neighbourhood Centre provides sufficient justification for an increase of 1 no. storey to the area as proposed at Block A.

It is therefore concluded, for the reasons outlined above, that the provision of a 4-6 no. storey apartment building is appropriate for the site and would furthermore be in line with the existing and emerging pattern of development in the area, given the site's prominent location.

As noted in Section 5.2 below, ABP recently granted planning permission for 2 no. SHD developments in close proximity to the subject site.

The Scholarstown Road SHD (ABP-305878-19 Granted March 2020) was approved with a residential height of 4-6 storeys and the Edmonstown Road SHD (ABP-305946-19 Granted February 2020) was approved with a residential height of 5-7 storeys. It is further noted that the locations of both sites are considered to be less prominent when compared to the subject site, as neither sites are located adjacent to significant retail/commercial developments such as White Pines Retail.

Therefore, in the context of the site's prominent roundabout location (adjacent to a significant commercial development), and sloping topography, the building heights proposed at White Pines Central, 3 to 6 no. storeys, are entirely appropriate for the site. Furthermore, the proposed heights are considered to be in keeping with the emerging form of development in the area with existing building heights of 2 -7 no. storeys present in the Stocking Avenue area.

5.2 Residential Density

When the proposed development is considered in isolation, it has a residential density of c. 52 no. dwellings per hectare.

The *SDCCDP 2016-22*, sets the following policies relating to residential density.



“SDCCDP 2016-22 H8 Objective 5:

To ensure that developments on lands for which a Local Area Plan has been prepared comply with the local density requirements of the Local Area Plan.

“SDCCDP 2016-22 H8 Objective 6:

To apply the provisions contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) relating to Outer Suburban locations, including a density range of 35-50 units per hectare, to greenfield sites that are zoned residential (RES or RES-N) and are not subject to a SDZ designation, a Local Area Plan and/or an approved plan, excluding lands within the M50 and lands on the edge or within the Small Towns/ Villages in the County.

Further to the above, the BOLAP (2014), sets out the following policies relating to development density.

BOLAP 2014 Objective LUD1

The density of development shall accord with that indicated under Table 5.4 and Figure 5.3 of this Local Area Plan (Section 5.4). The extent and density of development indicated for Options A and B on Figure 5.3 shall only be permissible where development is generally carried out in accordance with this LAP and, in the case of Option A, existing 220kV overhead electrical transmission lines are rerouted to coincide with the wayleaves of existing watermains.

BOLAP 2014 Objective LUD5

Residential development within the Lower Slope Lands shall consist of medium to low density (32 – 38 dwellings per ha./13 – 15 per acre) terraced and semi-detached housing. New development adjacent to existing housing shall be designed sensitively to protect existing residential amenity.

BOLAP 2014 Objective LUD6

Residential development within the Mid Slope Lands shall consist of low density (22 – 28 dwellings per ha./9 – 11 per acre) development comprising semi-detached and terraced housing of no more than 2 storeys. Additional split-level floors may be acceptable where they are justified on the basis of topography, are sensitively incorporated into the slope of the lands and do not increase the height of dwellings from street level to more than 2 storeys.

BOLAP 2014 Objective LUD7

Residential development within the Upper Slope Lands shall consist of very low density (12 – 18 dwellings per ha./5 – 7 per acre) development comprising single storey detached and semi-detached housing. Additional split-level floors may be acceptable where they are justified on the basis of topography, are sensitively incorporated into the slope of the lands and do not increase the height of dwellings to more than 1 storey from street level and by no more than 2 storeys from the side

and rear. Dormer window structures shall only be permissible for single storey dwellings and must be within the structure of the main roof, below its ridge level and above its eaves line (at least approx. 3 tile courses). Densities adjacent to the green buffer along the southern fringe should be provided at the lower end of the scale (approx. 12 dwellings per hectare).

As detailed in Figure 5.10, the site is located across three defined areas of the *BOLAP 2014*, namely, the Lower Slope, the Middle Slope and the Upper Slope lands.



Figure 5.10: Ballycullen - Oldcourt LAP 2014, annotated by TPA, July 2020

The *BOLAP (2014)* requires the following residential density for these areas;

- The Lower Slope Lands shall consist of medium to low density, (32 – 38 dwellings per ha);
- The Mid Slope Lands shall consist of low density (22 – 28 dwellings per ha); and
- The Upper Slope Lands shall consist of very low density (12 – 18 dwellings per ha).

These designations are reflected in the proposed scheme layout, whereby the tallest element of the development, Block A, is located on lower sloped lands and remaining 3 storey Blocks, are located in the Upper Sloped lands, as shown in Figure 5.11.

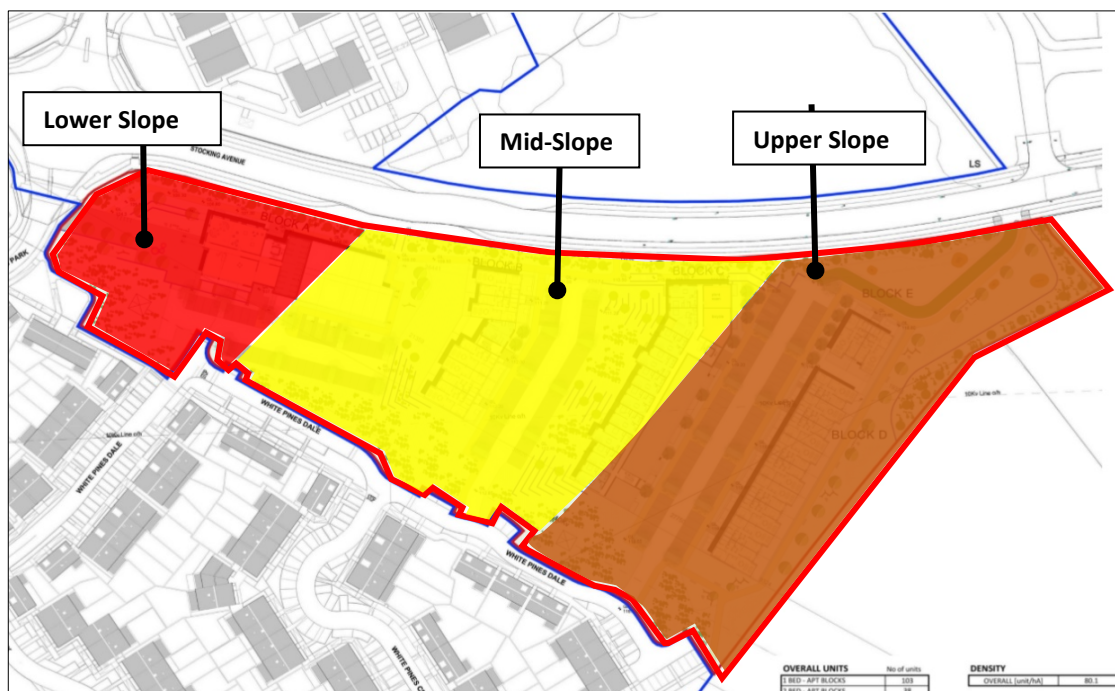


Figure 5.11: Proposed Site Plan, Including BOLAP 2014 Density Designations, annotated by TPA, July 2020

As noted above, the proposed development at White Pines Central, when considered in isolation, has a residential density of c. 52 dwellings per hectare. However, as shown in Table 5.1-below, if we take the prescriptive density requirements set out in the *BOLAP 2014* and apply them across the White Pines Central site, this would result in the 2.2 Ha site only providing between 42 and 56 dwellings. This would give a residential density of between 19 – 25 dwellings per Ha for the development. This density range would be entirely inappropriate for a site which falls under the National definition of ‘central/accessible’ and ‘intermediate urban’, as detailed above.

Furthermore, it is also noted that the density requirements set out in the *BOLAP 2014* are not in accordance with *SDCCDP 2016-22* Policy H8 Objective 6 (see above), requiring a residential density of between 35-50 units per hectare.

Area	Policy Requirement	Site Area	Policy Provision
Lower	32 – 38 UPH	.4Ha	13-15
Mid	22 – 28 UPH	.9Ha	19- 25
Upper	12 – 18 UPH	.9Ha	10- 16
TOTAL		2.2Ha	42-56 Dwellings

Table 5.1: BOLAP 2014 Density Requirements

As noted above, the current planning Application at White Pines Central represents the final phase of development for the wider White Pines Masterplan Site. It is therefore considered, in the interest of providing a balanced and sustainable community with a mix of tenure types



and housing, the proposed development should be assessed as the final component of the wider White Pines Masterplan development.

	No. of units	Site Area	Dwellings per Ha
White Pines North	175	6.17	28.3
White Pines South	106	2.83	37.45
White Pines East	241	2.98	80.87
White Pines Central	114	2.2	51.82
TOTAL	636	14.18	44.85 Units Per Ha

Table 5.2: White Pines Masterplan Site Densities

As noted in Table 5.2 above, as a result of the subject application the proposed development at White Pines Central will result in an overall residential density for the White Pines masterplan site of c. 45 units per Ha. This density is considered entirely appropriate and sustainable for a site within an ‘*intermediate urban*’ location, as defined above.

Although this density is considered appropriate for the site based on current National Guidance, set out in Section 3, this is considered to materially contravene the policies in the *SDCCDP 2016-22* and *BOLAP (2014)* identified above.

It is submitted to ABP that prevailing National Planning Policy, detailed in Section 3, provides sufficient justification for the proposed residential density of c.52 unit/ha and that the density figure envisaged under the Local Area Plan, which was prepared in 2014, approximately four years prior to the publication of specific National Guidance relating to apartment developments, as set out in *Project Ireland: National Planning Framework 2040 (2018)*, *Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019)*, *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)* and *Urban Development and Building Heights, Guidelines for Planning Authorities (2018)*.

As such, the policies and provisions set out in the *BOLAP (2014)*, no longer align with the provisions of the *National Planning Framework*, the *National Planning Guidelines* nor South Dublin County Council’s adopted development plan.

In addition to the above, we direct the Board to two recently approved SHD Planning Applications in close proximity to the subject site, Scholarstown Road and the Edmonstown Road SHD applications. Both SHD sites would fall under the statutory definition of ‘*Central and/or Accessible*’ and/or ‘*Intermediate Urban*’ under the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)* (see Section 4.4 above), with public transport connections similar to that at White Pines Central.

As noted above, the Scholarstown Road SHD (ABP-305878-19; Granted in March 2020) was approved with a residential density of c. 110 units per ha (c. 112% higher than is proposed at



White Pines Central). The Edmonstown Road SHD (ABP-305946-19; Granted in February 2021) was approved with a residential density of c. 147 units per Ha (c. 282% higher than what is proposed at White Pines Central).

The accepted justification for both residential densities was based in part on their proximity to a high frequency bus route, Dublin Bus Service 15 and 15B.

It is further noted that during peak travel, journey times on Dublin Bus Route 15B are c. 3 mins to Scholarstown Road SHD site and c. 5mins to Edmonstown Road SHD site (source: googlemaps.com). The sites are therefore entirely comparable to the subject application and set a precedent for high density development in the area.

It is clear that National Policy and recent decisions by ABP are promoting increased density in appropriate locations within existing urban areas and along public transport corridors. As such, it is submitted that the density proposed in the current scheme is in line with government guidance and trends for sustainable residential developments.

It is therefore considered that sufficient justification exists for ABP to grant planning permission for the proposed development notwithstanding the Material Contravention of the *SDCCDP 2016-2022* and the *BOLAP 2014*.

5.3 Dwelling Mix

The proposed development provides 114 no. BTR residential units, comprising 47 no. apartments (contained within Block A) and 67 no. duplex units.

BOLAP 2014 Objective LUD3

The permissible dwelling mix shall yield a minimum of 90% or more houses. Apartment and duplex units are not permissible on the Upper Slopes of the Plan Lands. Extensions of duration of permission should only be granted where development granted prior to the adoption of this Plan accords with this objective.

In response to this, as detailed above the White Pines Central SHD forms part of a wider White Pines Masterplan for the adjoining sites in the ownership of Ardstone Homes.

The residential units at White Pines Central will be provided in a mix of one-bed, two-bed and three bed apartment and duplex units. This mix is proposed to provide a greater variety and choice for residents, within an area currently dominated by three-bed and four-bed detached and semi-detached housing, detailed in Tale 5.3 below.



Unit Type	White Pines North	White Pines South	White Pines East	White Pines Central (Subject Application)	Combined	% of Total
1-bed apartments	-	-	93	32	125	19.5%
2-bed apartments	-	-	148	53	201	31.5%
3-bed house/duplex	81	41		29	151	24%
4-bed house	84	48			132	21%
5-bed house	10	17			27	4%
Total Units	175	106	241	114	636	100%

Table 5.3: Provided and Planned Unit Types - Ardstone Homes Residential Developments on Stocking Avenue

In addition to offering a greater selection of house type for new residents, the proposed mix also offers additional choice to existing residents in the area who are looking to downsize/retire to a smaller dwelling. This is in line with current demographic trends for lower occupancy rates and smaller units. The proposed mix will help create a strong and sustainable mixed community in tandem with wider proposed and provided residential sites at Stocking Avenue, identified in Table 5.3 above.

Overall, Ardstone Homes provided and planned development sites will provide c. 310 no. houses/duplex units and 326 no. apartments in the area.

This represents c. 49% houses and 51% apartments. This is considered an appropriate balanced housing mix for the area, in line with National Guidance in relation to densification of zoned, serviced sites adjacent to public transport links.

In addition to the above, we further direct the Board to SPPR 8 (i) of the 2020 Apartment Guidelines, which states, in relation to the provision of Build to Rent residential units, that ‘no restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise’.

5.4 Local Area Plan: Phasing Strategy

The Phasing Strategy for the subject site, is set out in Section 6.3.1 of the *BOLAP 2014*. For the purpose of the Phasing Strategy, the Plan Lands are divided into the east and west using the Ballycullen Road as the point of division. The subject site is located in the eastern side of the Plan Lands.



The Phasing Strategy for the eastern side of the plan lands has been designed in four distinct phases. Each phase is set by the number of residential units provided. As detailed below, each phase requires the commencement/provision of local infrastructure.

The key outcomes for the eastern side of the Plan Lands are detailed in section 6.3.1 of the LAP.

Phase One of the strategy for the eastern side Plan Lands includes:

- 260 dwellings;
- *Knocklyon Park Extension to include link to existing parkland/playing pitches to the north-east, upgrade of roundabout junction to four arm junction and 1 x NEAP (see Appendix 2 of LAP)*
- *Site made available for the construction of a Primary School on the eastern side of the Plan lands or a Primary School and/or Post-Primary School on the western side of the Plan Lands.*
- *Commencement of construction of Stocking Wood Neighbourhood and Community Centre to include at least 190 sq.m of community floorspace, at least 270 sq.m of childcare floorspace, convenience shopping (not exceeding 1,500 sq.m gross) and a bus lay-by*
- *Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.*

Phase Two of the strategy for the eastern side Plan Lands includes:

- 150 dwellings
- *Completion of the Neighbourhood and Community Centre to include at least 190 sq.m of community floorspace in addition to the minimum quantum set out under Phase One (at least 460 sq.m community floorspace total) and upgrade of roundabout junction to four arm junction with crossing facilities*
- *Commencement of landscaping of Green Buffer with tracks and trails along southern boundary with mountains*

Phase Three of the strategy for the eastern side Plan Lands includes:

- 150 dwellings
- *Completion of landscaping of Green Buffer with tracks and trails along southern boundary with mountains*
- *Commencement of planning process for the provision of a school on the designated Primary School site on the eastern side of the Plan Lands OR on the designated Primary School and/or Post-Primary school site on the western side of the Plan Lands.*



- *Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.*

Phase Four of the strategy for the eastern side Plan Lands include inter alia:

- *Commencement of construction of the designated Primary School on the eastern side of the Plan lands and the Primary School and/or Post Primary School on the western side of the Plan Lands.*
- *Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.*

Development	Residential Units Provided/Proposed	Assessment
LAP Phase 1 (260 Dwellings)		
White Pines North	175 no. 3-5 bed family homes	Phase 1 of the <i>BOLAP (2014)</i> requires the provision of 260 no residential units. As such, there are 85 no. residential units remaining in Phase 1 as a result of White Pines North.
LAP Phase 2 (150 Dwellings)		
White Pines South	106 no. 3-5 bed family homes	The balance of Phase 1 (85 no. units) are achieved here. In addition, 21 no. units proposed at White Pines South are considered to be within Phase 2. As a result of the development at White Pines South, there are 129no. residential units (21-150) remaining in Phase 2 of the <i>BOLAP (2014)</i> .
White Pines Retail	A single storey convenience retail unit and a three storey creche building.	No residential units proposed`
LAP Phase 3 (150 Dwellings)		
White Pines East SHD	241 units in a mix of 1 and 2 bed apartments.	The balance of Phase 2 (129 no. units) are achieved at White Pines East SHD. In addition, 112 no. residential units are considered to be within Phase 3. There are a minimum of 38 no. residential units (112-150) remaining in Phase 3 of the <i>BOLAP (2014)</i> , as a result of the proposed development at White Pines East SHD.
LAP Phase 4 (Approx 60 dwellings)		
White Pines Central SHD	114 units in a mix of 1, 2 and 3 bed apartment and duplex units.	LAP Phases 1- 4 comprises the provision of approximately 620 homes (260 + 150 + 150 + 60). As noted in Table 5.3, the total residential provision across the 4 no. White Pines residential sites comprises 636 no residential units. Given the no. of units set out in the LAP is an approximation, the no. of residential units



Development	Residential Units Provided/Proposed	Assessment
		<p>provided and proposed within the White Pines Masterplan site is considered to be in accordance with the LAP.</p> <p>In addition to this, it is also noted that a <i>Community Infrastructure Audit, School Needs Assessment and Childcare Demand Assessment</i>, prepared by TPA, have been submitted with this application confirming there is sufficient amenity capacity in the locality to cater for the increased demands as a result of the permitted and planned White Pines residential developments.</p>

Table 5.5: White Pines Masterplan Development, BOLAP Phasing Overview

As noted in Table 5.5 above, given the quantum of residential development existing/proposed in the area, the proposed development at White Pines Central is considered to be included in Phase Four of the of the eastern lands, as defined in the *BOLAP (2014)*.

Section 5.3.15 of the accompanying *Statement of Consistency* prepared by TPA addresses each element of the phasing requirement, set out above, and addresses how the proposed development complies with each.

While it is noted that the proposed development is considered to be within Phase 4 of the LAP lands, it is considered that the requirements of Phases 1 - 3 are still required to be met.

As noted in the *Statement of Consistency*, the proposed development at White Pines Central SHD is generally provided in accordance with the LAP’s phasing requirements, with the exception of the requirements identified below:

Phase 1 requires, in part;

“upgrade of roundabout junction to four arm junction”.

Phase 2 requires;

“Completion of the Neighbourhood and Community Centre to include at least 190 sq.m of community floorspace in addition to the minimum quantum set out under Phase One (at least 460 sq.m community floorspace total) and upgrade of roundabout junction to four arm junction with crossing facilities.”

Phase Three requires, in part;



“Completion of landscaping of Green Buffer with tracks and trails along southern boundary with mountains “

Phase Four Requires, in part;

- *Commencement of construction of the designated Primary School on the eastern side of the Plan lands and the Primary School and/or Post Primary School on the western side of the Plan Lands.*
- *Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.*

These matters are addressed in turn below.

5.4.1 Upgrade of Roundabout Junction to Four Arm Junction

Phase 1 requires, in part.

“upgrade of roundabout junction to four arm junction”.

This is further noted in the BOLAP (2014);

“As indicated on Fig 5.1, existing roundabout junctions along Stocking Avenue and Hunters Road shall be upgraded to signalised junctions that incorporate pedestrian and cyclist crossings. Some roundabouts may be upgraded to provide for improved pedestrian and cycle crossing movement. Upgraded junctions or roundabouts should be designed in accordance with the Design Manual for Urban Roads and Streets (2013).”

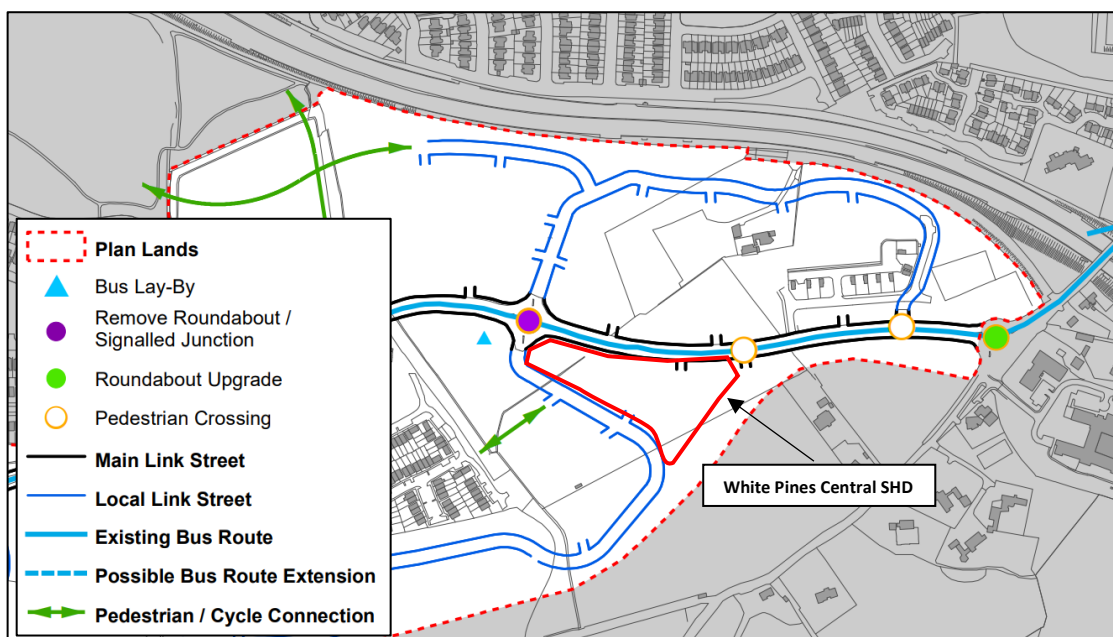


Figure 5.12: BOLAP (2014) Fig 5.1, existing roundabout junctions along Stocking Avenue.

As noted in Section 2.6.2 of the Transport Assessment prepared by DBFL;

“It is noted that the Stocking Avenue roundabout, located to the southwest of the site is indicated in the LAP to be removed or signalised. However, this roundabout was upgraded as part of the planning application SD14A/0222, to better reflect DMURS guidelines, providing a safer environment for pedestrians and cyclists while also reducing traffic speeds. Based on discussions with SDCC Roads Department throughout the pre-planning stages, it is understood that the roundabout would not be removed/signalised in the near future.”

As noted above, the proposed development at White Pines Central SHD is considered to be within Phase 4 of the Eastern LAP lands.

As such, the provision of the White Pines North (SDCC Ref. SD14A/0222, granted March 2015) and White Pines South (SDCC Ref. SD17A/0359/ SD17A/0443, granted February 2018) residential developments have been constructed in Phases 1 and 2 of the eastern planned lands, in contravention with the above requirement. It is further noted that planning permission for both developments was granted by SDCC.

As noted in Section 3.6.5 of the Traffic and Transport Assessment, prepared by DBFL;

“It is noted that the Stocking Avenue roundabout, located to the southwest of the site is indicated in the LAP to be removed or signalised. However, this roundabout was upgraded as part of the planning application SD14A/0222, to better reflect DMURS guidelines, providing a safer environment for pedestrians and cyclists while also reducing traffic speeds. Based on discussions with SDCC Roads Department

throughout the pre-planning stages, it is understood that the roundabout would not be removed/signalised in the near future.”

For further information please refer to the Traffic and Transport Assessment, prepared by DBFL, submitted with this application.

It is therefore concluded that the previous upgrade works to this roundabout, noted above, are considered sufficient to cater for the additional road demands of existing and emerging developments in the area, and are therefore in accordance with the proper planning and sustainable development of the area. As such, it is considered that further upgrade works to this roundabout, i.e. to a four arm junction, are no longer required. For further information please refer to the Traffic and Transport Assessment, prepared by DBFL, submitted with this application.

5.4.2 Completion of the Neighbourhood and Community Centre

Phase 2 requires;

“Completion of the Neighbourhood and Community Centre to include at least 190 sq.m of community floorspace in addition to the minimum quantum set out under Phase One (at least 460 sq.m community floorspace total) and upgrade of roundabout junction to four arm junction with crossing facilities.”

As noted in Section 3.2 of the Planning Report prepared by TPA. Planning permission was granted in February 2020 (SDCC Ref. SD19A/0345, as amended by SD20A/0322) for the construction of a neighbourhood centre comprising a single storey convenience retail unit and a three storey creche building, known as White Pines Retail.

The submitted application for White Pines Retail proposed the inclusion of a Community Facility (c. 192 sq m GFA) at second floor level, to satisfy the above phasing requirement. However, this space was omitted by SDCC by condition 3 of SDCCs Final Grant of permission.

As such, a 552 sq m community centre space is now proposed as part of the current application at White Pines East SHD, ABP Ref. PL06S.309836. The community centre space proposed at White Pines East SHD is the result of extensive consultation with SDCC. The space is provided, in part, to satisfy the above phasing requirement.

The *BOLAP 2014* phasing requirement, seeks the provision of 190 sq m community floorspace. However, following consultation with SDCC, it was clear that a 190 sq m community centre space in this location would not be viable. As a result, the recently submitted White Pines East SHD Application (*ABP Ref. PL06S.309836*) proposes the provision of 552 sq. community centre space, to serve the local area.

As noted in Section 3.2 of the Planning Report by TPA, construction commenced on the White Pines Retail Site in August 2020, with completion scheduled for Q3 of 2021 and immediate occupation by a national retailer. As such, the retail unit and creche space will likely be in operation in advance of the commencement of construction on the White Pines Central SHD site, and certainly before the residential units proposed as part of this Application are occupied.

In addition to this, the 552 sq m Community Building space proposed as part of the White Pines East SHD application will be constructed in tandem with the residential units. It is considered that given the programme for White Pines East SHD is at a more advanced stage, the Neighbourhood Centre, Community Centre and Retail spaces outlined above will be in place in advance of occupation of the proposed development.

5.4.3 Completion of landscaping of Green Buffer with tracks and trails along southern boundary with mountains

As shown in Figure 5.13, the proposed landscape design for the wider White Pines Masterplan site has been carefully selected to ensure the development at White Pines Central SHD, provides meaningful connections to the wider masterplan site to White Pines Retail to the west, to the south to White Pines South, to the north and north west to White Pines North and White Pines East SHD. In addition, as shown in Figure 5.15 wider connections are also proposed to the Knocklyon Park and GAA pitched to the northeast and wider Ballycullen Oldcourt area.

As shown in Figure 5.13 below, the development will provide a network of open spaces. This network has been specifically designed to ensure that meaningful linkages to adjoining sites are in place through the inclusion of tracks and trails. These tracks and trails will also tie into the existing pedestrian links, provided at White Pines North and wider area.



Figure 5.13: White Pines Landscape Masterplan, [Source: MA, Design Statement (annotated by TPA)]

It is further noted that the lands to the north east, fronting Stocking Avenue, are zoned for new residential. As such, the landscape design has been carefully selected to ensure future connections can be provided. In addition to this, it is also noted that while the lands to the east are zoned for agricultural use, it is considered that these lands may be rezoned in the future for new residential. As such, the landscape layout is designed to be capable of providing future connections to the east, if required.

As shown in Figure 5.13, a primary focus of the landscape masterplan was to provide pedestrian connections to all significant existing and proposed areas of open space in the wider area, including;

- The M50 linear Park;
- Knocklyon Park and GAA playing grounds;
- The existing playgrounds and areas of open space provided across White Pines North and South;
- White Pines Retail;
- The newly proposed public square in front of Block A;
- The large central area of open space provided as part of the Subject Development; and
- The significant areas of open space proposed as part of the White Pines East SHD application.

As shown in Figure 5.13 above, the wider White Pines masterplan site includes the provision of a green buffer along the northern boundary of the masterplan site, with the M50, the M50 Linear Park. This link park was proposed to provide pedestrian connections from the White Pines Masterplan Site, through the existing Knocklyon Park and GAA playing grounds, to Woodstown Village. As shown in Figure 5.15, the proposed development has been carefully designed to ensure it provides meaningful pedestrian links to the M50 linear park and the wider area.



Figure 5.14: M50 Linear Park (March 2021)

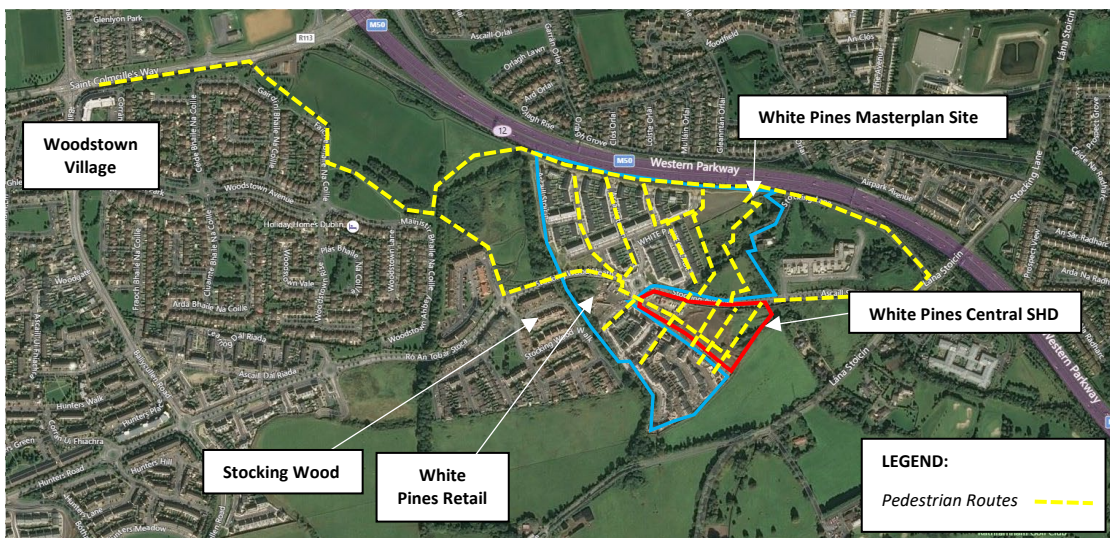


Figure 5.15: White Pines Central SHD, Pedestrian Routes

As shown in Figure 5.13, the proposed SHD application at White Pines Central will provide a significant quantum of open space. Furthermore, the proposed landscape layout has been designed to create a network of tracks and trails. The landscape design will also provide enhanced pedestrian connections from White Pines South to Stocking Avenue, through the subject site.

While it is noted that the LAP requires the provision of a 'Green Buffer with tracks and trails along southern boundary with mountains', it is considered that although sufficient space has been provided along the southern boundary of the White Pines Masterplan site for a Green Buffer with the mountains, it is not practical, or safe, to provide pedestrian links in this area at present nor is it part of the subject application's lands.

As shown in Figure 5.15 above, the provision of a Green Buffer with tracks and trails along northern boundary with the M50, aka the M50 linear park, has been provided as it serves a clear purpose. The linear park provides pedestrian and cycle connections from Stocking Lane, through the White Pines Masterplan site to Knocklyon Park, Woodstown Village and beyond. It is also noted that where these spaces interact with public roads, at Stocking Lane and Killiney Road (see Figure 5.13), separated cycle lanes and pedestrian footpaths are provided where the links interact with the public road.

When considering the provision of a similar connection to the south of the site, it is noted that there are no footpaths or dedicated cycle lanes on the portion of Stocking Lane south of the masterplan site. It is therefore considered that the provision of a pedestrian links in this area could result in a traffic hazard, given the lack of road infrastructure.

In addition to this, it is also noted that there are currently no destination locations south of the Masterplan Site. As such, the provision of tracks and trails in this area would serve no purpose for the local community.

The provision of tracks and trails with no destination in this area could result in these spaces being infrequently used. As such, they may become prone to antisocial behaviour, given the limited passive surveillance.

In addition, we direct ABP to Section 4.4.3 of the LAP, 'Tracks and Trails', which confirms that the Tracks and Trails shown in the LAP are indicative only;

"The indicative tracks and trails network will permeate the Plan Lands with a series of interconnected circular and open ended routes for pedestrians and cyclists. These will complement and link with the planned street network."

It is therefore considered that the proposed landscape Masterplan Design, linking significant commercial areas and areas of open space with destination locations in the wider local area plan lands, through extensive tracks and trails provided across the Masterplan site tying into

existing infrastructure (see Figure 5.15), offers a more sustainable option for the provision of tracks and trails on Eastern LAP lands.

In addition to this, it is also noted that given lands to the east and south are currently zoned for agricultural use, this provides a significant green buffer, c.60m, to the south of the subject site, north of Stocking Lane. This space will ensure that if/when appropriate road infrastructure is provided south of the site, future pedestrian/ cycle connections can be facilitated here.

Therefore, while the proposed development may materially contravene the *BOLAP 2014*, there remains sufficient justification for the granting of planning permission.

5.4.4 Provision of a School on the Designated Primary School Site

As noted above, the proposed development at White Pines Central SHD is considered to be in Phase 4 of the *BOLAPs (2014)* Eastern Lands. Phase 4 of the Eastern Lands requires;

“Commencement of construction of the designated Primary School on the eastern side of the Plan lands and the Primary School and/or Post Primary School on the western side of the Plan Lands. ”



Figure 5.16: BOLAP 2014, indicative Layout Plan, SDCC Ref. SD17A/0443

In response to the Phasing Requirement, a Schools Demand Assessment, prepared by TPA, has been submitted with this application, appended to the EIAR. The Schools Demand Assessment



specifically addresses the increased demand the proposed development would have on the surrounding area, with specific regard to Primary School spaces.

The Schools Demand Assessment considers the cumulative impact of the construction of White Pines South, White Pines North, White Pines East and White Pines Central, as detailed in Table 5.3, i.e. the provision of c. 636 no. residential units.

Regarding the extra demand created through the provision of residential units on the White Pines Masterplan site, Section 2.1 of the Schools Demand Assessment states;

“With respect to these calculations, the development has the potential to generate an additional 1,749 No. persons within the area, including an estimated 511 No. school-age children (including 311 No. primary school children and 200 No. post-primary school children), when the proposal is fully occupied.”

Section 3.0 of the *Schools Demand Assessment*, considers the current capacity of schools in the area. It assesses if there is sufficient existing capacity to accommodate the additional demand created.

Section 3.1 of the *Assessment* identifies the following primary school provision for the locality;

“The 11 No. existing primary schools identified within the Rathfarnham School Planning Area held a combined provisional enrolment of 4,180 No. students during the 2020/21 school year as per Department of Education and Skills (DES) records. We note that of this cohort, there were 9 No. co-educational (mixed) schools and 2 No. all-boys schools identified. The primary schools located nearest to the subject site (incl. Edmondstown National School (SN Bhaile Eamonn), St. Colmcille SNS and Scoil Colmcille Naofa) held a combined enrolment of 1,676 No. students in 2020/21.”

Regarding the provision of Post Primary Schools, Section 3.2 of the *Schools Demand Assessment* states;

“The 8 No. post-primary schools identified within the Rathfarnham School Planning Area held a combined provisional enrolment of 4,087 No. students during the 2020/21 school year, as per Department of Education and Skills (DES) records. Of this cohort, 2 No. facilities were reported as having co-educational (mixed) enrolment, 3 No. facilities were all-boys and 3 No. facilities were all-girls schools. The post-primary school located nearest to the subject site (St. Colmcille’s Community School) held an enrolment of 727 No. students in 2020/21.”

As noted in Section 4.1 of the *Schools Demand Assessment*, the Department of Education and Skills (DES) reported in November 2020 that enrolment figures for primary schools in Ireland were likely to have reached peak levels in that year and fall gradually to a low point in 2034, in line with revised M1F2 migration and fertility assumptions for the country prepared in 2020;



“While the results are presented for all six scenarios the Department believes that the M1F2 scenario is the most likely outcome should migration remain strong, or M2F2 should migration soften over the coming years... Enrolments in primary schools in Ireland in 2019 stood at 567,716, down slightly on 2018 (567,772).

Enrolments are now projected to fall over the coming years under all scenarios, and under the M1F2 scenario will reach a low point of 451,971 by 2034. This is 115,745 lower than today’s figure. Enrolments will rise again thereafter and are projected to stand at 464,984 by 2038, a rise of some 13,000 over the four years 2034 to 2038.”

Section 4.1.1 of the *Schools Demand Assessment* considers this impact in the context of the White Pines Masterplan site;

“If the regional population projection from the ‘M1F2’ scenario¹¹ for primary schools is applied to the current enrolment figures within the Rathfarnham School Planning Area, a decrease of c. 9% could be expected at the primary level by the 2025/26 enrolment year, resulting in an estimated reduction of 376 No. students across the 11 No. existing schools.”

Regarding emerging Schools in the area, Section 5.3 of the *Schools Demand Assessment* notes that although no new schools are currently under construction in the area;

“There were 3 No. new schools proposed to open by 2020 within the neighbouring feeder areas of Dublin 6/6W and Firhouse (see Table 5.4), which will provide additional accommodation for 16 No. primary classrooms and 2,000 No. post-primary students.”

With respect to other large-scale education projects in the vicinity of the Rathfarnham School Planning Area, there were 7 No. school facilities identified under the DES school building programme currently under development (see Table 5.5), including 2 No. schools in Rathfarnham (i.e. Loreto Primary and Gaelcholáiste an Phiarsaigh).

The new post-primary school previously identified for the Firhouse Planning Area (i.e., Firhouse Educate Together Secondary School (ETSS)), opened in August 2018 in interim accommodation within Firhouse Educate Together National School. The site acquisition process for a permanent location within the Firhouse area was ongoing as of April 2021.

It appears that sites have also been secured for the primary and post-primary schools within D6/6W on the site of the former Greyhound Racing Stadium, Harold’s Cross, with both Harold’s Cross ETNS and Harold’s Cross ETSS having opened in temporary accommodation on the permanent site in 2019-2020.

The *Schools Demand Assessment* concludes;



“There are 11 No. existing primary schools and 8 No. post-primary schools currently operating in the Rathfarnham School Planning Area to which the subject site belongs. These facilities cater to a student population of c. 4,200 primary school students and c. 4,100 post-primary students and have demonstrated low levels of growth in the recent 5-year period (c. increase of 4% and 1% respectively from 2015/16 to 2020/21). With respect to future enrolments, we note that a c. 9% decrease in enrolments at the primary school level and a c. 7.5% increase in post-primary school enrolments is anticipated for the Dublin region from 2020/21 to 2025/26, with respect to the most recent regional population projections published by the Department of Education and Skills.

The need for additional educational facilities within the county is established in the South Dublin Development Plan 2016-2022, which specifically references the requirement for a secondary school at Firhouse/Ballycullen in C9 Objective 10. This school opened in interim accommodation in August 2018 within Firhouse Educate Together National School and was in the site acquisition phase for a permanent location as of April 2021, as per DES records.

While there is no explicit requirement for a new school identified within the subject development lands, there are 2 No. other primary and/or post-primary school sites designated within the current Ballycullen-Oldcourt Local Area Plan 2014 (Extended) at Stocking Avenue and Oldcourt-Gunnyhill of relevance to residential development within the area. We note that these lands are in separate ownership to the subject lands and are unrelated to the proposed development. It does not appear that any development works have been progressed to date at either location.

At a national level, no new schools were proposed to be delivered within the Rathfarnham School Planning Area in the short term under the school building programme (i.e., 2019-2022), despite the aforementioned designation of school sites within the relevant development plans. However, one new primary school and two new post-primary schools opened in temporary accommodation within the neighbouring feeder areas of Firhouse and Dublin 6/6W during 2019-2020, with permanent facilities under development as of April 2021.

As these facilities will increase the availability of places for future students in the short-to medium-term by providing 16 No. new primary classrooms and 2,000 No. new post-primary school places within the region, it is considered that the future demand generated by the proposed development (i.e. 511 No. places - including 311 No. primary and 200 No. post-primary school children) is likely be absorbed by the existing schools network and other planned schools currently under development within the area.”

It is therefore concluded that although the Phasing Requirement of the BOLAP 2014 requires the provision of a school, the additional demand generated by the proposed development (i.e.



511 No. places - including 311 No. primary and 200 No. post-primary school children) will be absorbed by the existing and planned network of schools currently under construction in the area.

Given the importance of housing delivery in meeting the ongoing, serious under-provision of residential accommodation, and the fact that the proposed development can be accommodated in the locality, the provision of the proposed development, in the absence of the designated school, would be in line with the proper planning and sustainable development of the area.

It is further noted that the proposed development would have no impact on the ability of the Department of Education to provide a school at either of the designated school sites, included in the *BOLAP 2014* as a future date.

6.0 CONCLUSION

As set out in Section 37(2)(b) of the *Planning and Development Act, 2000 (as amended)*, An Bord Pleanála may materially contravene a Development Plan or *Local Area Plan* where National Planning Policy objectives take precedence. In our professional planning opinion, we consider that there is a reasonable basis for concluding that the proposed development could potentially materially contravene the Development Plan and Local Area Plan as indicated in this report in relation to Building Height, Density and Dwelling Mix.

It is submitted that the justification set out within this statement clearly demonstrates that the proposed development should be considered appropriate for the subject site, due to the sites location adjacent to a public transportation route and the policies and objectives set out within the Section 28 Guidelines.

As such it is respectfully requested that An Bord Pleanála have regard to the justification set out within this statement and permit a deviation from the *South Dublin County Council Development Plan 2016-22* and *Ballycullen - Oldcourt Local Area Plan 2014, as extended*.

Should you have any questions on any aspect of the proposed development, please do not hesitate to contact us.

Yours faithfully



Gavin Lawlor

Director

Tom Phillips + Associates