



MATERIAL CONTRAVENTION STATEMENT – WHITE PINES EAST SHD

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



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1.0 INTRODUCTION

Tom Phillips + Associates¹ (TPA) 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. 2.98 hectares at lands north of Stocking Avenue, Dublin 16, known as White Pines East.

The proposed residential development at White Pines East SHD provides for 241 no. residential units, with a density of c. 81 units per hectare and heights of up to six storeys.

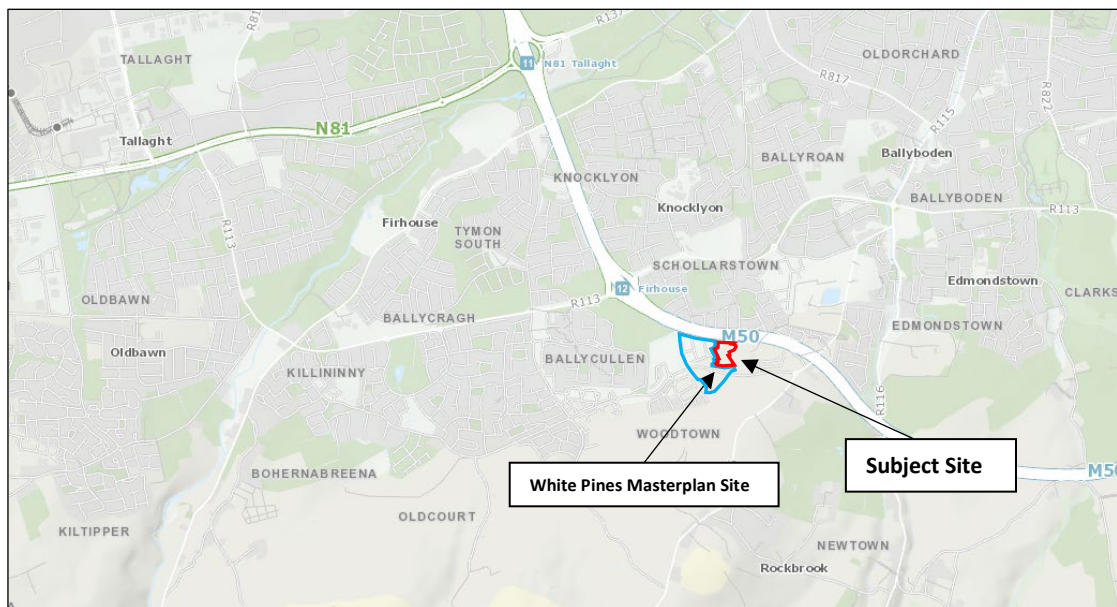


Figure 1.1: Urban Context Map, Source: www.geohive.ie; Cropped by TPA, 2019

1.1 Planning Context

This statement outlines the justification for the proposed residential development at White Pines East SHD, which could potentially materially contravene the *South Dublin County Council Development Plan (SDCCDP) 2016 - 2022* and the *Ballycullen - Oldcourt Local Area Plan (BOLAP) 2014 Extended*, as detailed below.

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 the following aspects of the proposed development that may be considered as a material contravention.

1.2 Description of Development

Ardstone Homes Ltd. intend to apply to for permission for a Strategic Housing Development at a site of 2.98 ha, at Stocking Avenue, Woodstown, Dublin 16, which is contained within the Ballycullen-Oldcourt Local Area Plan lands.

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Figure 1.2: Site Layout Plan; Source: JFA, 2021.

The development will consist of:

- *The construction of 241 no. residential units, in 5 no. apartment blocks, ranging in height from 4-6 storeys, and 3 no. three storey duplex block. The development will provide 93 no. 1 Bed and 148 no. 2 bed units, as follows;*
 - *Block A is a 5 storey block comprising 40 units (20 no. 1 bed units; and 20 no. 2 bed units). Block A includes balconies on southern, northern and western elevations. A dedicated community building space comprising 552sq.m will also be provided on the ground floor of Block A.*
 - *Block B is a 4 storey block comprising 34 units (18 no. 1 bed units; and 16 no. 2 bed units). Block B includes balconies on southern, southern, western and eastern elevations;*
 - *Block C is a Part 4 Part 5 storey block comprising 43 units (21 no. 1 bed units; 22 no. 2 bed units) Block C includes balconies on southern, eastern and western elevations. Residential Tenant Amenities comprising c.171sq.m is provided at ground floor level of Block C to serve all residential units, comprising; a reception area, games space, residents lounge and gym space.*
 - *Block D is a 5 storey block comprising 49 no units (21 no. 1 bed units and 28 no. 2 bed units). Block D includes balconies on southern, western and eastern elevations;*
 - *Block E is a 6 storey block comprising 47 no units (13 no. 1 bed units and 34 no. 2 bed units). Block E includes balconies on southern, western, eastern and northern elevations;*



- 3 no. 3 storey duplex blocks are provided to the western boundary of the site, comprising 28 no. 2 bed units. Balconies and terrace space is provided to the eastern elevation.
- Provision of 204 no. on street car parking spaces
- Omission of creche as approved under SDCC Ref. SD14A/0222;
- The main vehicular access to the scheme will be from Stocking Avenue. A second new vehicular access is proposed from White Pines North to the east.
- Provision of 401 no. bicycle parking spaces;
- All other ancillary site development works to facilitate construction, site services, piped infrastructure, ESB sub-stations, 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.

1.3 Overview of Potential Material Contravention Issues

As detailed in Section 5 below, the proposed development, indicated in Figure 1.2, may materially contravene the following policies of the *SDCCDP 2016-22* and *BOLAP 2014*, in terms of Building Height, Density, Dwelling Mix and LAP Phasing Requirement.

1.3.1 Building Height

The proposed development provides 5 no. apartment blocks ranging in height from 4 to 6 storeys and 3 no. 3 storey duplex buildings. This may materially contravene Policy H9 Objective 4 of the *SDCCDP 2016-22*, and Objective LUD8 of the *BOLAP 2014*, which state:

“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 is not located in strategic and landmark location in a Town Centre, Mixed Use Zone or Strategic Development Zone. At its highest point Block E it is 6 no. storeys (+c.19.125 OD). Therefore the proposal may contravene the objective to direct development in excess of five no. storeys to strategic and landmark locations in a Town Centres, Mixed Use Zones or Strategic Development Zones, applied by *SDDP 2016-22*.

In addition to this it is also noted that the proposed development includes heights in excess of one storey at street level on the lands designated as ‘Upper Slope’ and heights in excess of two storeys at street level on lands designated as ‘Mid Slope’ in the *BOLAP 2014*. Therefore,



the proposal may materially contravene BOLAP policy *Objective LUD8* relating to the mid and upper sloped lands.

This matter is addressed in detail in Section 5.1 below.

1.3.2 Density

The proposed scheme, when considered in isolation rather than in terms of the entire White Pines Masterplan, provides for a residential development with a density of c. 81 dwellings per hectare (241 units/2.98 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 area, which the proposed development exceeds.

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.

As discussed below, the proposed development may materially contravene Policy H8, Objective 5 as the proposed development has a density greater than the local density requirements of the LAP.

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

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 5.7 below, the site is located across three defined areas of the *BOLAP 2014*, namely, the Lower Slope, the Middle Slope and the Upper Slope lands and provides for dwelling densities in excess of those set out in the *BOLAP 2014*. As such, the proposed development may materially contravene Objectives LUD 1 and LUD 5-7 of the *BOLAP 2014*, in terms of the density and unit type proposed.

In addition to the above, it is also noted that the provision of apartment units on the Lower Slope and Mid Slope Lands may also materially contravene *BOLAP 2014* Objective LUD5 and *BOLAP 2014* Objective LUD6, requiring the provision of single/two storey terraced and semi-detached housing.

This matter is addressed in detail in Section 5.2 below.

1.3.3 Dwelling Mix

BOLAP 2014 Objective LUD3 states;

“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.”

The proposed development provides 241 no. residential units, comprising 213 no. apartments and 28 no. duplex units. As such, the proposed development may materially contravene Objective LUD3 of the *BOLAP 2014*, in terms of the no. of apartments proposed. It is also noted, as shown in Figure 5.8 below, no apartments are proposed on the Upper Slopes of the plan lands.

This matter is addressed in detail in Section 5.3 below.



1.3.4 Local Area Plan Phasing Requirement

The Phasing Strategy for the subject site is set out in Section 6.3.1 of the *BOLAP 2014*. As detailed in Section 5.3.14 of the Statement of Consistency, prepared by TPA, the proposed development at White Pines East SHD is considered to be within Phase 3 of the Eastern designated lands.

Phase Three requires, in part;

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

Whilst the development proposes a high quality landscape scheme, the site is located north of Stocking Avenue, and as such it does not comprise a boundary to the south with the mountains. Given a green buffer, with tracks and trails along southern boundary with mountains, is not in place at the time of submitting this application it is considered that this is a potential material contravention of *BOLAP 2014*. This matter is addressed in detail in Section 5.4 below.

In addition to the above, the following potential material contraventions with the *BOLAP 2014* Phase 1 and Phase 2 requirements have also been identified. While it is noted that the proposed application is within Phase 3, it is still considered that the requirements of Phases 1 and 2 should also be met prior to the advancement of Phase 3 so 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.”

It is noted that at the time of this application neither of the above referenced Phase 1 & 2 requirements have been provided for and therefore this is considered a potential material contravention of the phasing requirements of the *BOLAP 2014*. This matter is addressed in detail in Section 5.4 below.

1.3.5 Separation Distances

The proposed development provides 3 no. 3 storey duplex blocks to the west of the site. These units are provided adjacent to a semi-private area of open space, serving the duplex units only, along western boundary of the site, which backs onto the rear garden space of existing 2 storey residential units at White Pines North.

Housing Policy 9, Residential Building Heights, of the SDCCDP 2016-22 states;

“It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County. H9.”

Objective 3 of Policy 9 states;

“To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height).”

Section 11.2.7, Building Height, of the SDCCDP 2016-22 states;

“The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved.”

As noted in the *Proposed Site Plan & Roof Plan* drawing, prepared by JFA (Drawing No. WPE-JFA-SP-RF-DR-A-P1001), the separation distances proposed between the existing 2 storey dwellings at White Pines North and the proposed 3 storey duplex units is c.24m.

This matter is addressed in detail in Section 5.5 below.

2.0 SITE LOCATION AND CONTEXT

2.1 Location of the Subject Site

The subject site, White Pines East, is located in south west Dublin, in the administrative district of South Dublin County Council. The site comprises a c. 2.98Ha greenfield site, zoned for 'new residential' in the *South Dublin Development Plan 2016-22*.

The subject site is located approximately 1.5km to the south-east of Woodstown village centre. Stocking Avenue, a major distributor route to the new residential areas south of Woodstown Village, bounds the site to the south. Existing and proposed public transport routes have stops along this road.

The site's topography is sloped rising from the site's northern boundary with the M50 to the proposed entrance at Stocking Lane, with the highest point being the south east corner of the site.

2.2 Surrounding Area

The site is located within an area characterised primarily by new residential developments. The site is principally bounded by the White Pines North residential scheme to the west; Stocking Avenue to the south; Stocking Hill residential development (Traveller Accommodation Units) and Green Acres House and to the east; and the M50 to the north.

The wider White Pines masterplan lands, shown in Figure 2.1, largely encircle the site. White Pines South, comprising 106 no. residential units is located to the south. Stocking Retail neighbourhood centre, comprising a retail unit and crèche, is also located to the south. White Pines North, comprising 175 no. residential units adjoins the site to the west. White Pines Central, proposed to comprise c.137 units, is located directly south on the opposite side of Stocking Avenue.

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. Construction commenced on the site in August 2020 with completion scheduled for Q3 2021, with immediate occupation by National Retailer.

2.3 Public Transport Connections

The site benefits from high quality public transport connections given it is located adjacent to the *Route 15B* bus stop which provides high frequency peak transport links to Dublin City via, Rathfarnham Village, Rathgar 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 Luas Red Line at Tallaght. During



morning peak (7am- 10am), public transport journey times to Dublin City Centre (Aungier St.) are estimated to take c. 35-45mins (source: googlemaps.com).

In addition to the above, as detailed in Section 2.3 of the planning report, it is also noted that the subject site will benefit from substantial public transport upgrade works, as part of the National Transport Authority (NTA) BusConnects proposal, which will transform and overhaul the current bus network to provide a more efficient network.



Figure 2.1: Surrounding context [source, Bingmaps, cropped and annotated by TPA 2021]

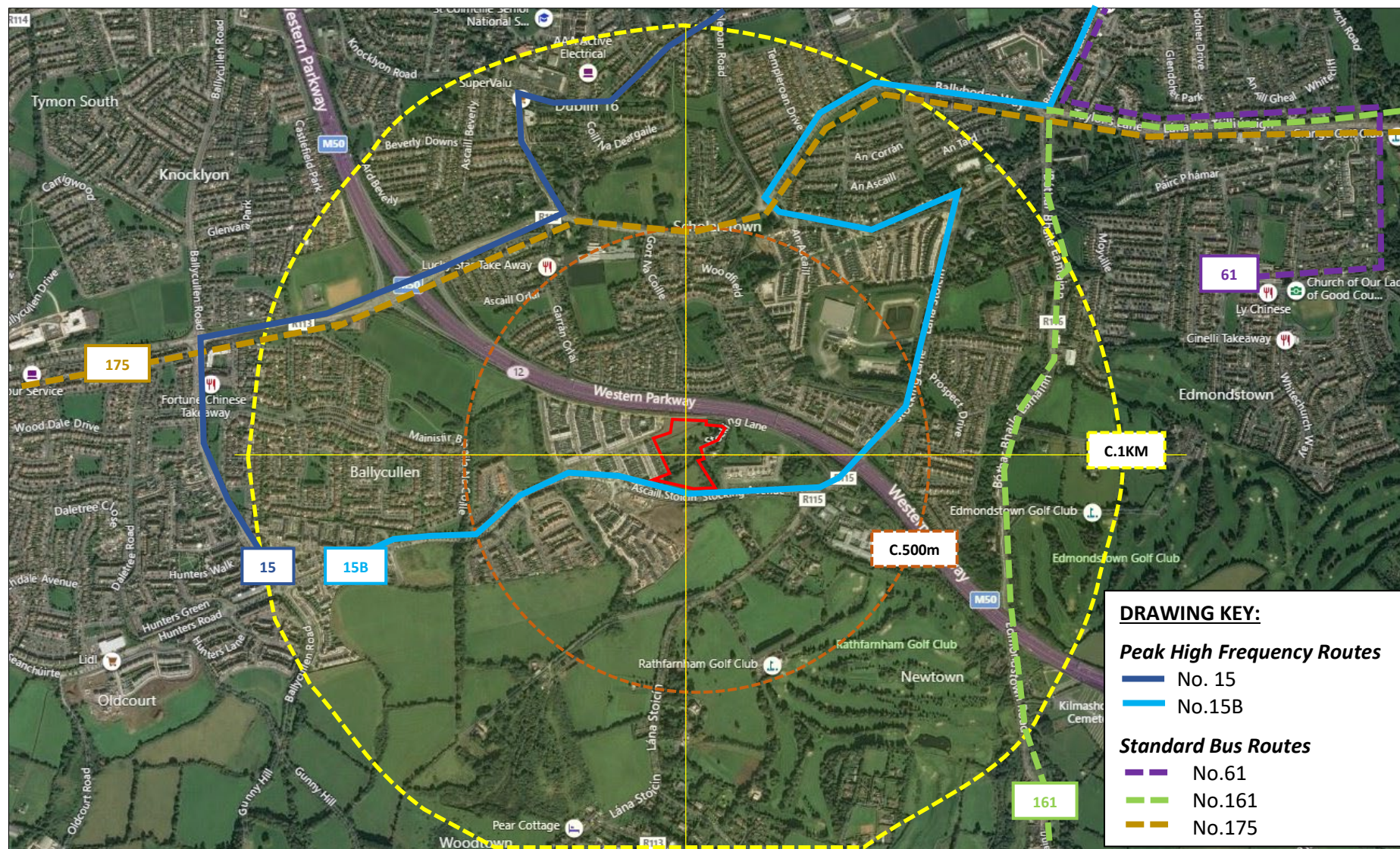


Figure 2.2: Proximity of application site to bus routes [Source: geohive.ie, annotated by TPA 2021]

3.0 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 and in accordance with Section 37(2)(b)(iii) of the Planning and Development Act 2000 [as amended].

Furthermore, it is noted in the below submission that a series of developments have been permitted and constructed which exceed the heights and densities currently limited by the *SDCCDP 2016-2022* and *BOLAP 2014* and therefore there is a pattern of development within the area of increased heights and densities similar to the proposed development.

4.0 STATEMENT IN RELATION TO MATERIAL CONTRAVENTION OF DEVELOPMENT & LOCAL AREA PLAN

It is respectfully requested that An Bord Pleanála have regard to the following justification for a material contravention of the *SDCCDP 2016-2022* in terms of core strategy and certain policy objectives of the BOLAP 2014 on the basis of the policies and objectives stated in the Section 28 of the Planning and Development Act 2000[as amended] and Government Guidelines, in particular in relation to;

- Guidelines for Planning Authorities on Sustainable Residential development in Urban Areas (2009);
- Urban Development and Building Heights Guidelines for Planning Authorities (2018);
- The National Planning Framework 2040;
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020);
- Eastern and Midland Regional Assembly, Regional Spatial & Economic Strategy, 2019 – 2031.

4.1 National Guidance on Increased Residential Densities

As detailed in Section 4 of the Statement of Consistency, prepared by TPA, the above referenced guidelines enable increased building height and residential densities on sites adjacent to quality public transport routes and within existing urban areas

In relation to public transport, Dublin Bus's 15b bus service runs 10 minute peak hour frequency³ and is located adjacent the site's entrance on Stocking Avenue. In addition, the site is also located c.1km east of Dublin Bus' Route No. 15 and emerging public transport connections proposed under BusConnects. The site is also served by a number of other standard bus routes, as identified in Figure 2.2 above. For further information, please refer to Section 2.3 of the Planning Report.

Given the site's proximity to a number of public transport options the site is considered to be located within an 'Intermediate Urban location' within the *Sustainable Urban Housing: Design Standards for New Apartments (Guidelines for Planning Authorities)* Refer Table 4.1 below. Restricting the density of the development at such a well-served location under the *SDCCDP 2016-2022* is contrary to National policy which clearly promotes increased densities at well served urban sites.

Regarding appropriate densities, *National Planning Framework 2040* Policy Objective (NPO) 34 states:

"Historically, low-density housing development has been a feature of Ireland's housing landscape in cities, towns, villages and the countryside. To avoid urban sprawl and the pressure that it puts on both the environment and infrastructure demands, increased residential densities are required in our urban areas. The infill/brownfield targets set out in NPOs 3a, 3b and 3c of this Framework will necessitate a significant and sustained increase in urban housing output and apartment type development in particular,.....To more effectively address the challenge of meeting the housing

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

needs of a growing population in our key urban areas, it is clear that we need to build inwards and upwards, rather than outwards. This means that apartments will need to become a more prevalent form of housing, particularly in Ireland's cities."

Objective 3a of the National Planning Frameworks stresses the need to;

"Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements. Making better use of under-utilised land, including 'infill' and 'brownfield' and publicly owned sites together with higher housing and jobs densities, better serviced by existing facilities and public transport."

Objective 13 further states 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."

As noted above, the site is defined as an 'Intermediate Urban Location' as part of the *Sustainable Urban Housing: Design Standards for New Apartments (Guidelines for Planning Authorities)*. Intermediate Urban Locations are defined as;

"Such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net) including:"

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;	Whilst the site is not located within walking distance of a principal town or suburban centre it is located adjacent to a recently permitted Neighbourhood Centre, South Dublin Ref. SD19A/0345, c. 30m southwest of the application site, shown in Figure 1.1 above.
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, located at the site's entrance, runs 10 minute peak hour frequency ³ . In addition, the site is also located c.1km east of Dublin Bus' Route No. 15 and emerging public transport connections proposed under BusConnects. The site is also located within 1000m of other less frequent bus routes such as the 16.

Criterion	Response
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 800m of Dublin Bus' Route No. 15 and emerging public transport connections proposed under BusConnects.

Table 4.1: Demonstration of compliance with Intermediate Urban Location criteria

As noted in Section 4.5 of the Statement of Consistency, the proposed development site is located in an area that meets the criteria for both Central and /or Accessible Location and for an Intermediate Urban Locations. While it is noted that the site can be considered a Central/Accessible location (under national statutory definitions), it is accepted that the site is not 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.

4.2 National Guidance on Building Height

The development proposes to provide 5 no. apartment blocks ranging in height from 4-6 no. stories, and 3 no. three storey duplex blocks.

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 regards 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 *Design Standards for New Apartments Guidelines for Planning Authorities 2020 (Apartment Guidelines)* build upon the provisions of the NPF 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)* 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)

As detailed in Section 4.4 of the *Statement of Consistency*, prepared by TPA, the *Urban Development and Building Heights Guidelines for Planning Authorities* (2018) aim 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.**”*

The Height 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”.

Section 1.3 of the Height 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 Height Guidelines 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**” (Section 2.3)*

In submitting a planning application for increased building heights, Section 3.2 of the Height Guidelines set out a number of criteria which must be complied with when considering an increase in height, each of which is addressed in the following sections of this Report, with respect to the proposed development at White Pines East SHD. A comprehensive assessment of how the proposed development is in accordance with each criteria outlined in the Height Guidelines is provided in Section 4.4 of the Statement of Consistency, prepared by TPA, concluding that the proposed development is in accordance with National Planning Policy and Guidance, and is therefore entirely appropriate for the application site at White Pines East.

4.3 National Guidance on Residential Mix

SPPR 1 (Mix) of the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)* states;

*“Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, **but only further to an evidence based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s)**” (Our emphasis)*

In addition to the above, SPPR 4 of the *Apartments, Guidelines (2020)* relate to the future development of greenfield or edge of city/town locations for housing purposes. SPPR 4 states;

“It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

- 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;*
- 2. **a greater mix of building heights and typologies in planning for the future development of suburban locations; and***
- 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.”*

For a detailed assessment of how the proposed development is considered to be in accordance with the above National Planning Guidelines please refer to Section 4 of the Statement of Consistency, prepared by TPA.

5.0 LOCAL POLICY CONTEXT JUSTIFICATION

The proposed development (indicated in Figure 1.2) may materially contravene the following policies of the *SDCCDP 2016-22 and BOLAP 2014*, in terms of Building Height, Density, Dwelling Mix and the LAP Phasing Requirement.

5.1 Building Height

The Proposed development provides 5 no. residential apartment blocks, up to 6 no. storeys in height, and 3 no. three storey duplex buildings. This may materially contravene the following two 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 is not located in strategic and landmark location in a Town Centre, Mixed Use Zone or Strategic Development Zone. At its highest point Block E it is 6 no. storeys (+c.19.125 OD). Therefore the proposal may contravene the objective to direct development in excess of five no. storeys to strategic and landmark locations in a Town Centres, Mixed Use Zones or Strategic Development Zones , applied by *SDDP 2016-22*.

In addition to this it is also noted that the proposed development includes heights in excess of one storey at street level on the lands designated as ‘Upper Slope’ and heights in excess of two storeys at street level on lands designated as ‘Mid Slope’ in the *BOLAP 2014*. Therefore, the proposal may materially contravene *BOLAP 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 (discussed in Section 5.2 below), are clearly not in accordance with Policy 8 of *SDCCDP 2016-22* as the height restriction limits the ability for development to make efficient use of zoned lands and it limits the value which can be captured from developing adjacent to planned infrastructure, including public transport.

The directed approach as set out in the *National Planning Framework*, the *Apartment Guidelines (2020)* and *Building Height Guidelines (2018)*, outlined in Section 3, seek to achieve a flexible application to planning standards for well-designed proposals. These policies and guidelines clearly discourage the use of blanket numerical limits and note that the application of such limits if inflexibly or unreasonably applied, can undermine wider national policy objectives to provide more compact forms of urban development. Rather than the application of blanket restrictions, the relevant national policies and guidelines referred above notes that *'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'*. In this regard we consider that the proposed development is entirely successful in integrating the highest standards of urban design and architectural quality whilst enabling the creation of successful place-making outcomes both within and through the site's connectivity.

The proposed development has been designed to maximise the internal amenity of all residential units and the outdoor amenity of the landscaped spaces that will be created as part of the proposal. Further, the design has been developed to ensure daylight and sunlight access both onsite and offsite is of the highest standard. In this regard we refer the Board to the enclosed Daylight and Sunlight Assessment carried out by OCSC.

Additionally it is considered that the proposed building heights have been managed across the site, providing suitable spacing between building forms and appropriate scaling of heights at key interfaces. It is also noted that the topography of the site, sloping down from the main entrance at Stocking Avenue to the boundary with the M50, allows for increased heights, particularly to the north of the site, without compromising views. In this regard we refer the Board to the Visual Impact Assessment (included at Chapter 9 of the EIAR) which confirms that no significant visual impacts occur as a result of the proposed development.

It is therefore considered that the subject site is capable of 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.

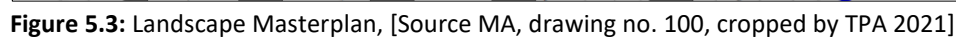


Figure 5.1: Include CGI of development, prepared by 3ddb (March 2021)



Figure 5.2: Proposed Sections [Source: JFA Drawing No. WPE-JFA-SE-XX-DR-A-P5001]

The proposed building heights and orientation have been carefully selected to respond to the site's sloping topography. As shown in Figure 5.2, given the site's sloping topography, when viewed from a distance, the proposed height of Block D and Block E will be broadly in line with Blocks A and Block B.



Section 3 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) (*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.

- *“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 4.4 of the *Statement of Consistency*, prepared by TPA, in submitting a planning application for increased building heights, the *2018 Building Height Guidelines* set out a number of criteria which must be complied with. Each of these criteria are addressed in detail in the *Statement of Consistency*, with respect to the redevelopment of the White Pines East SHD, concluding the site is an appropriate location for the proposed building heights. .

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



Figure 5.4: 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 Manuel 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 concluded that the inclusion 5 no. apartment blocks, ranging in height from 4 to 6 no. storeys, will create a sense of place and a distinct location on Stocking Avenue that will tie into the existing residential area and emerging Retail and Creche provision at White Pines Retail, currently under construction. The proposed development will ensure that, visually, the White Pines East 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.

As detailed in Section 3.3 of the *Planning Report*, ABP recently granted planning permission for 2 no. SHD developments in close proximity to the subject site. While it is noted that the Scholarstown Road SHD (ABP-305878-19 Granted March 2020) was approved with a height of 4 to 6 storeys and the Edmonstown Road SHD (ABP-305946-19 Granted February) was approved with a height of 2 to 7 storeys, neither site were located in a prominent location, nor were they adjacent to significant retail/commercial developments.

In addition to the this, it is also noted that there are examples of residential developments within the Local Area Plan Lands with building heights in excess of the Development Plan and Local Area Plan restrictions.

As shown in Figure 5.5, Stocking Well Row comprises a series of apartment buildings, up to 5 no. storeys, located c.350m west of the site. In addition to this, Hunters Place comprises a 7 storey apartment building, surrounded by predominately 2 to 3 storey buildings. In this regard,

it is submitted that there is an established precedent in the locality for the provision of tall buildings, in excess of the Development and Local area Plan restrictions.

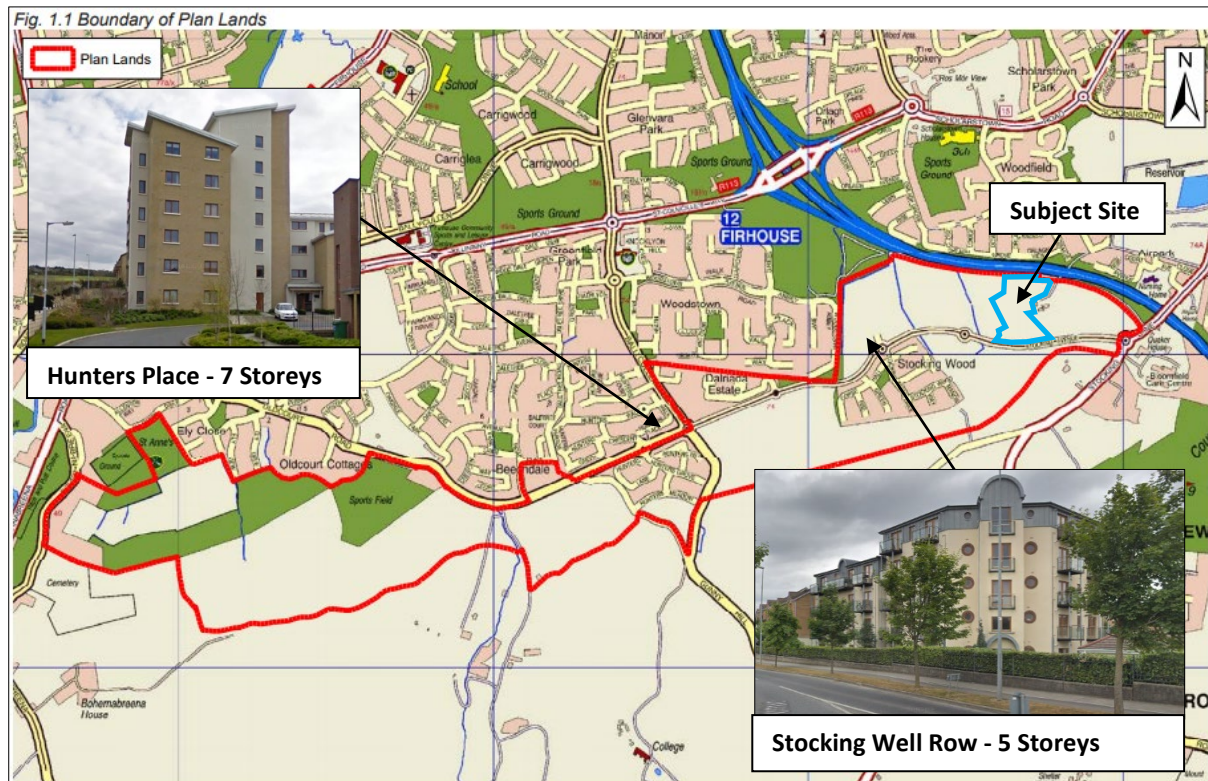


Figure 5.5: Ballycullen-Oldcourt LAP 2014, Boundary Plan Lands (cropped and annotated by TPA, 2021)

It is also noted a set of CGI's and Photomontages have been submitted with the application, prepared by 3D Design Bureau (3DDB). In addition this, a Landscape and Visual Impact Assessment (LVIA), prepared by Mitchell + Associates (MA), is submitted as Chapter 9 of the EIAR. Chapter 9 of the EIAR assesses the impact of the proposed development on the landscape character and visual amenity of the current site and on the site environs.



Figure 5.6: Proposed Development as Viewed from Stocking Avenue Verified View No. 4 (Source 3DDB CGI/s and Verified Views)

The assessment describes the landscape character of the subject site and its hinterland, together with the visibility of the site from significant viewpoints in the locality. This assessment should be read with reference to the Architectural Design Statement prepared by JFA and with the CGI's and Photomontages, prepared by 3DDB.

It is therefore concluded, for the reasons outlined above, that the provision of residential blocks on the subject site, ranging in height from 3 to 6 no. storeys, is entirely appropriate for the site and would furthermore be in line with the existing residential and emerging commercial pattern of development in the area.

As such, the proposed development is considered to be entirely in accordance with the proposed planning and sustainable development of the Stocking Avenue area.

5.2 Residential Density

When the proposed development is considered in isolation, it has a residential density of c. 81 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 5.7 below, the site is located across three defined areas of the *BOLAP 2014*, namely, the Lower Slope, the Middle Slope and the Upper Slope lands.

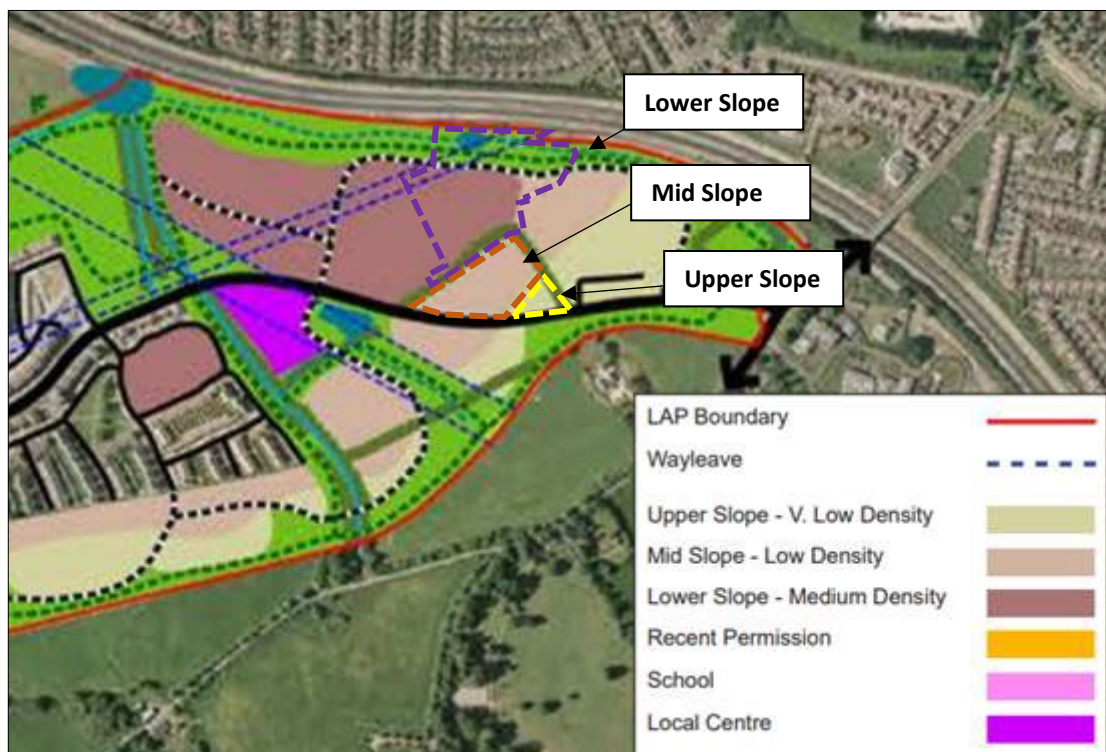


Figure 5.7: Ballycullen Oldcourt LAP 2014 lands, annotated by TPA 2021

The *BOLAP (2014)* requires the following residential density provision;

- 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).

Whilst the unit densities proposed differ from what is set out in the LAP, the principal of graduating densities have been adopted in the proposed scheme albeit it at higher densities than those set out in the LAP. This is reflected in the proposed scheme layout, whereby the tallest element of the development, Block E, is located on Lower Slope lands and remaining 3 to 5 storey Blocks, are located in Mid Slope and Upper Sloped lands.

As noted above, the proposed development at White Pines East SHD, when considered in isolation, has a residential density of c. 81 dwellings per hectare. However, as shown in Table

5.1 below, if the prescriptive density requirements set out in the *BOLAP 2014* are taken and applied across the White Pines East site, this would result in the 2.98 Ha site only providing between 80-90 dwellings. This would give a residential density of between 26 - 32 dwellings per ha. This density range would be entirely inappropriate for a site which falls under the National definition of central/accessible and/or intermediate urban, as detailed above.

Area	Policy Requirement	Site Area	Policy Provision
Lower	32 – 38 UPH	1.78Ha	56-67
Mid	22 – 28 UPH	1.0 Ha	22-28
Upper	12 – 18 UPH	0.2Ha	2-3
TOTAL		2.98Ha	80-98 Dwellings

Table 5.1: BOLAP 2014 Density Requirements

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

The subject Application at White Pines East SHD represents the 4th 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 a component of the wider White Pines Masterplan development.

White Pines Residential Phases	No. of units	Site Area	Dwellings per Ha
1. White Pines North	175	6.17	28.3
2. White Pines South	106	2.83	37.45
3. White Pines Retail	N/A	N/A	N/A
4. White Pines East	241	2.98	80.9
Subtotal	522	11.98	43.57
Forthcoming Planning Applications			
5. White Pines Central SHD	c.137	2.2	62.27
TOTAL	659	14.18	46.47

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 East will result in an overall residential density for the White Pines Masterplan site of c. 43.5 units per Ha. This density is considered entirely appropriate and sustainable given the site's central/accessible designation which suggests densities of broadly >45 dwellings per hectare net, which is comparable with the density proposed across the White Pines Masterplan area.

It is also noted that the 4th and final phase of the residential development at the White Pines Masterplan site, White Pines Central SHD, will result in an overall site density of c.46.5 dwellings per hectare, further ensuring the densities sought by national policy is achieved.

Although this density is considered appropriate for the site based on current National Guidance, set out in Section 3 of this statement, the proposed density may materially

contravene the policies in the *SDCCDP 2016-22 (35-50 UPH)* and *BOLAP (2014)* identified above.

It is submitted to An Bord Pleanála that prevailing National Planning Policy, detailed in Section 3 of this statement, provides sufficient justification for the proposed residential density of c. 81 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 own Development Plan (2016-22).

In addition, as noted above, we direct the Board to 2. no. 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 (2018)*, see Section 4.4 above, with public transport connections similar to that at White Pines East SHD.

The Scholarstown Road SHD (ABP-305878-19 Granted March 2020) was approved with a residential density of c.110 units per ha. The Edmonstown Road SHD (ABP-305946-19, granted February 2020) was approved with a residential density of c.147 units per ha. The justification for both residential densities was based 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. 5 mins 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 Planning 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 considered therefore that sufficient justification exists for An Bord Pleanála to grant permission for the proposed development, including the proposed density, notwithstanding the Material Contravention of the *SDCCDP 2016-2022* and the *BOLAP 2014*.

5.3 Dwelling Mix

The proposed development provides 241 no. residential units, comprising 213 no. apartments and 28 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 addition to the above, as noted in Section 5.2, BLOAP 2014 Objectives LUD5, LUD6 and LUD7, require the provision of single/two storey terraced and semi-detached housing;

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.

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

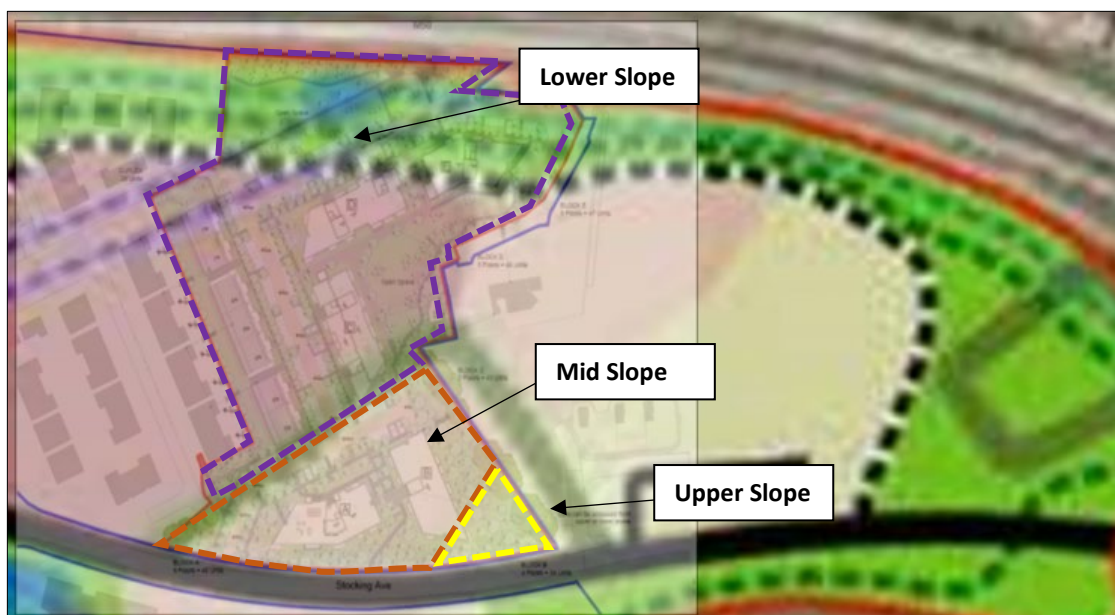


Figure 5.8: Ballycullen Oldcourt LAP 2014 lands Proposed Development comparison, annotated by TPA 2021

As shown in Figure 5.8, there are no Apartments or Duplex units proposed on the Upper Slope Lands and therefore the proposal complies with the second requirement of Objective LUD3.



Figure 5.9: Adjoining Ardstone Homes Development Sites, source Google Maps, annotated by TPA 2021.

In relation to the first element of **Objective LUD3** it is noted that the residential units at White Pines East will be provided in a mix of one-bed and two-bed apartment and duplex units and therefore the proposal may materially contravene the requirement to provide a dwelling mix yield of a minimum of 90% or more houses

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. Completion is scheduled for Q3 2021, with immediate occupation by National Retailer
4. White Pines East SHD	241 units in a mix of 1 and 2 bed apartments.	Subject Application
5. White Pines Central SHD	Proposed development of 137 no. 1-3 Bed apartments/duplex units was submitted for pre-SHD Consul	Pre-application tripartite SHD meeting held with ABP and SDCC February 2021.

Table 5.3: White Pines Masterplan Development

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 5.4 below.

Unit Type	White Pines North	White Pines South	White Pines East (Subject Application)	White Pines Central (Future SHD Application)	Combined	% of Total
1-bed apartments	-	-	93	c.58	c.151	23%
2-bed apartments	-	-	148	c.50	c.198	30%
3-bed house/duplex	81	41	-	c.29	c.151	23%
4-bed house	84	48	-	-	132	20%
5-bed house	10	17	-	-	27	4%
Total Units	175	106	241	c.137	659	100%

Table 5.4: Proposed, 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 5.4 above.

It is also noted that north of the planning applicant site, in the residential areas of Orlagh and Airpark North of the M50, there exists a significant quantum of traditional 3 to 5 bed homes. There are also further areas of traditional 3-5 bed housing within the wider Ballycullen area.

Overall, Ardstone Homes permitted and emerging development sites within the Masterplan lands will provide c. 310 no. houses/duplex units and 349 no. apartments in the area.

This represents c. 47% houses and 53% 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.

As noted above, SPPR 1 (Mix) states;

“Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s)” (Our emphasis)

BOLAP 2014 Objective LUD3 requires the provision of a minimum of 90% or more houses, however, this arbitrary limit does not appear to be evidence based on any Housing Need and Demand Assessment.

5.4 Ballycullen Oldcourt 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.

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 East is considered to be included in Phase Three 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.

As noted in the *Statement of Consistency*, the proposed development at White Pines East SHD is provided in accordance with the above phasing requirements, with the exception of the below identified requirements.

While it is noted that the proposed development is considered to be within Phase 3, it is considered that the requirements of Phases 1 and 2 are still required to be met.

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 “

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).”

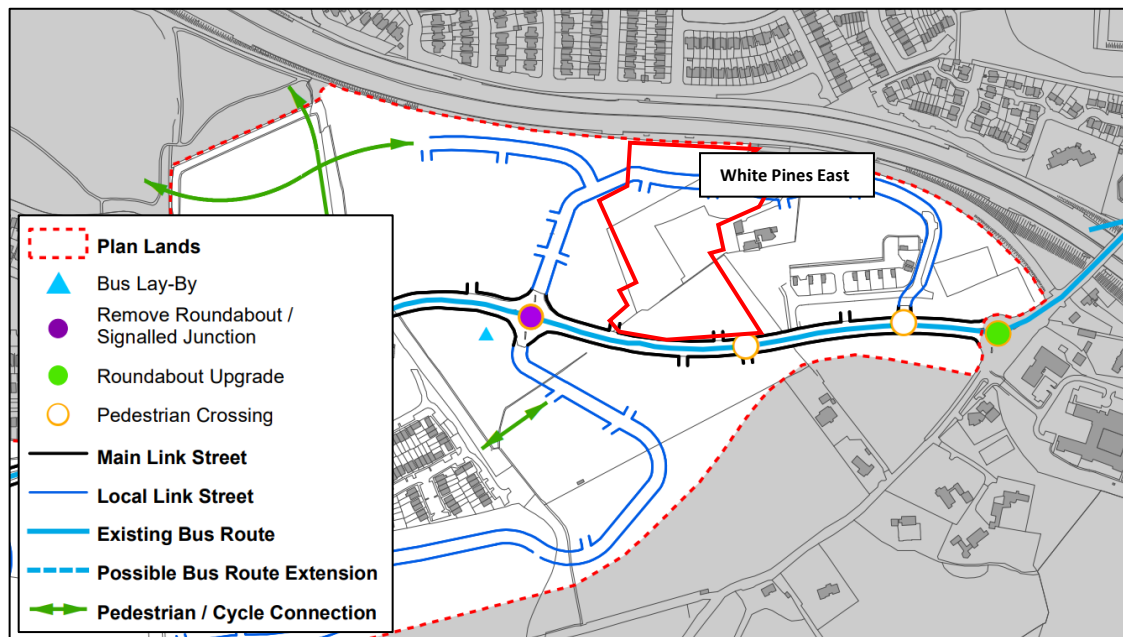


Figure 5.10: BOLAP (2014) Fig 5.1, existing roundabout junctions along Stocking Avenue.

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 East SHD is considered to be within Phase 3 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.

In addition to the above, it is also noted that no issues were raised by SDCC Roads department relating to the provision of the four arm junction, through initial consultation with the council and the Pre-Application Tripartite meeting with ABP and SDCC.

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.192sq.m. GFA) at second floor level, to satisfy the above phasing requirement. However, this space was omitted by SDCC by condition 3 of the Final Grant of permission. As such, a community centre space is now proposed as part of the current application at White Pines East SHD.

As noted above, a 552 sqm Community Building space will be provided at the site's entrance, on the Ground Floor of Block A. The proposed community centre space 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 current application proposes the provision of 552 sq.m 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 East SHD site.

In addition to this, the 552 sqm Community Building space will be constructed in tandem with the residential units at White Pines East, this space will be made available in line with the practical occupation of White Pines East. As such, the Neighbourhood Centre, Community Centre and Retail space 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 5.11, the proposed landscape design for the wider White Pines Masterplan site has been carefully selected to ensure the development at White Pines East SHD, provides connections to the wider masterplan site, to the west to White Pines North, and south to White Pines South and White Pines Retail. In addition, connections are also proposed to the Knocklyon Park and GAA pitched to the east and wider Ballycullen Oldcourt area.

As shown in Figure 5.12 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 5.11: White Pines Landscape Masterplan, [Source: MA, Design Statement (annotated by TPA)]

It is further noted that the lands to the east, at Green Acre House, are zoned for new residential, the proposed landscaping plan has been specifically designed to facilitate further pedestrian connections to the east.

As shown in Figure 5.11, a primary focus of the landscape masterplan was to provide pedestrian connections to all significant existing and proposed areas of open space, 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;
- The large central courtyard space provided as part of the Subject Development;
- White Pines Retail (see above); and
- The significant areas of open space proposed as part of the White Pines Central application.

As shown in Figure 5.11 above, the wider White Pines masterplan Site includes the provision of a green buffer along the northern boundary of the 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.



Figure 5.12: M50 Linear Park (March 2021).

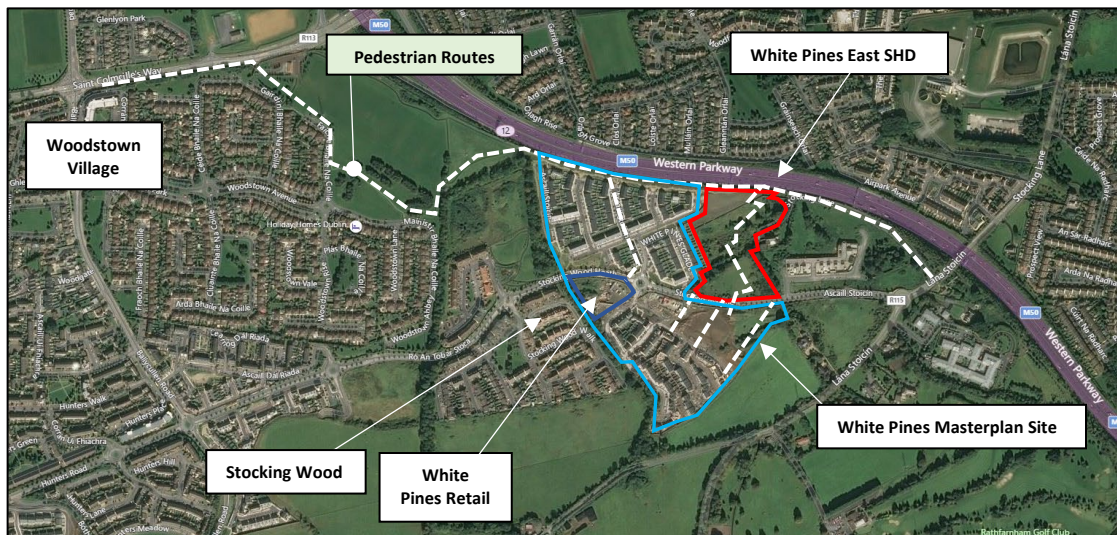


Figure 5.13: M50 Linear Park (March 2021).

As shown in Figure 5.11, the proposed SHD application at White Pines East 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 White Pines East 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 5.11 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 application 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.

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. In addition to this, the provision of tracks and trails with no destination in this area would result in these spaces being infrequently used. As such, they could become prone to antisocial behaviour, as there would be limited passive surveillance.

It is therefore considered that the proposed landscape Masterplan Design, that links 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, see Figure 5.11, 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 a significant green buffer c.60m wide, is provided south of the Masterplan 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, given these Tracks and Trails will be provided as part of the forthcoming White Pines Central SHD, to complete the wider White Pines masterplan development.

5.5 Separation Distances

The proposed development provides 3 no. 3 storey duplex blocks to the west of the site. These units are provided adjacent to an area of semi-private open space (serving the proposed

duplex units only) along western boundary of the site. This area backs onto the rear garden space of existing 2 storey residential units at White Pines North.

As noted above, Housing Policy 9, Residential Building Heights, of the *SDCCDP 2016-22* states;

"It is the policy of the Council to support varied building heights across residential and mixed-use areas in South Dublin County. H9."

Objective 3 of Policy 9 states;

"To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height)."

Section 11.2.7, Building Height, of the *SDCCDP 2016-22* states;

"The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved."

As noted in the *Proposed Site Plan & Roof Plan* drawing, prepared by JFA (Drawing No. WPE-JFA-SP-RF-DR-A-P1001), separation distances proposed between the existing 2 storey dwellings at White Pines North and the proposed 3 storey duplex units is c.24m.

It is noted that the 3 no. 3 storey duplex blocks proposed are separated from the existing residential units at White Pines North by an area of semi-private open space. As such, the proposed duplex units are not considered to be 'immediately adjoining' the existing 2 storey residential units at White Pines North, as per *SDCCDP 2016-22 Policy 9, Objective 3*, stated above.

However, given the proximity of the existing units proposed, c.24m, careful consideration has been given to the rear facades of the proposed duplex blocks. It is noted that the primary focus of *Policy 9 Objective 3* is to avoid any potential overlooking from the proposed duplex units to the existing residential units at White Pines North.

As shown in Figure 5.14 below, careful consideration has been given to the design of the rear elevations of the proposed Duplex units to avoid any potential issues of overlooking. Firstly, there are no windows located on the 3rd floor rear facades. In addition to this, the 3rd floor is proposed with an apex roof design. This design ensures that the impact of the proposed 3 storey duplex blocks would be identical to that of a traditional 2 storey residential house in this location., see figure 5.14 below.

Therefore, while the proposed development may materially contravene *SDCCDP 2016-22 Policy 9, Objective 3*, there remains sufficient justification for the granting of planning permission, given the impact of the 3 storey duplex would be identical to that of a 2 storey residential dwelling proposed in this location.



Figure 5.14: Typical Duplex Rear Elevation [Source: JFA Drawing No. WPE-JFA-00-H2-DR-A-P4007]



6.0 CONCLUSION

As set out in Section 37(2)(b), if considered appropriate and in accordance with the sustainable development of the wider area, 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, Dwelling Mix and LAP Phasing.

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, the policies and objectives set out within the Section 28 Guidelines in relation to height and density and the numerous policy compliant features as set out in the Planning Report and Statement of Consistency prepared and submitted with this application.

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 Extended*.

Yours faithfully

Gavin Lawlor
Director
Tom Phillips + Associates