



An
Bord
Pleanála

S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report on Recommended Opinion ABP-307610-20

Strategic Housing Development

Preservation of Auburn House as 1 no. residential dwelling, conversion of existing stables of Auburn House to accommodate 4 no. dwellings, construction of 412 no. residential units (110 no. houses, 307 no. apartments), creche and associated site works.

Location

Lands at Auburn House (a protected structure), Little Auburn and Streamstown, Off Malahide Road and Carey's Lane, Back Road and Kinsealy Lane, Malahide, Co. Dublin.

Planning Authority

Fingal County Council

Prospective Applicant

Kinwest Ltd.

Date of Consultation Meeting 17/11/2020

Date of Site Inspection 02/10/2020

Inspector Conor McGrath

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1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

2.1. The subject site comprises a stated area of 13.3ha located approximately 2.4km south-west of Malahide Village and approximately 13.8km north of Dublin City centre. The lands comprise the grounds of Auburn House, which is a Protected Structure, and include a separate detached dwelling and garden to the east, Little Auburn. The site is bounded by the R107 / Dublin Road to the east, Abbington residential development to the north and north-west, and Claireville Lodge estate on Careys Lane to the west. The grounds of Malahide Castle lie to the east of the R107. The original curtilage of Auburn House has been subdivided over time and two separate dwellings within the original grounds share access over the main entrance driveway, but are excluded from this site. The subject site is currently provided with 2 no. access points from the R107, adjacent to the junction with Back Road to the east. A third entrance is available from Careys Lane to the west.

Auburn House is identified within the Record of Protected Structures (RPS 448) as a Late 18th or early 19th century house, outbuildings and walled garden. The house faces east across an open paddock / 'front field', while the grounds otherwise contain areas with mature trees and woodlands to the west and south particularly. The grounds are traversed by a small stream flowing southwest and south toward the R107.

3.0 Proposed Strategic Housing Development

The proposed development comprises of the provision of 417 no. residential units, and a creche, consisting of the following elements:

- The preservation and protection of Auburn House as one dwelling and the conversion of the existing stables to 4 no. dwellings.
- The preservation and protection of the existing woodland.
- The preservation of existing follies and walls associated with the walled garden / 'side garden' with amendments to accommodate the proposed development.
- The demolition of the modern bungalow dwelling known as 'Little Auburn'.
- The construction of 412 no. residential units which comprise of:
 - 105 no. detached, semi-detached and terraced houses ranging from 2, 2.5 and 3-storeys in height and comprised of
 - 46 no. three Bed;
 - 48 no. four bed units, and
 - 11 no. five-bed units;
 - 248 no. apartments in 7 no. blocks ranging in height from 3-5 storeys comprised of:
 - 105 no. one bed units;
 - 130 no. two bed units; and
 - 13 no. 3 bed units.
 - 59 no. duplex units in 6 no. blocks comprised of:
 - 29 no. one bed units;
 - 21 no. two bed units; and
 - 9 no. three bed units.
- 1 no. childcare facility located at the ground floor apartment block 4;
- New vehicular entrance off R107 at a new signalised junction with Back Road and R107, and 1 no. new vehicular entrance off Carey's Lane;
- Retention of the existing vehicular entrance road for pedestrian and cycle traffic, with vehicular access solely for the two existing houses;
- 2 no. ESB substations, 1 no. new foul pumping station, car parking; bicycle parking; public lighting; proposed foul sewer works along Back Road and

Kinsealy Lane including upgrades to existing storage tank to provide pumping station on Kinsealy Lane,

and all associated engineering and site works necessary to facilitate the development.

Key Development Parameters:			
Gross site area:	13.29ha	Net site area (excluding Auburn House, woodland and existing entrance avenue)	10.39ha
Gross density (units per Ha):		31.38	
Net density (units per Ha):		39.65	
Building heights (floors):		2-5	
Residential floor area (m²):		46,824	
Commercial floor area (m²):		197	
Plot ratio:		0.45	
Built footprint (m²):		5,569	
Site coverage:		5.36%	
Public open space (Ha):		4.93ha / 37.1%	

Mix	No.	%
Houses	109 (incl. 4 in stables)	26
Own door duplex / apartment	59	14
Shared access apartment	248	60
Total	416	100

Bedrooms	1	2	3	4	5	Total
No	135	152	70	48	11	416
%	32	36	17	12	3	

Five Character areas are identified. The existing entrance avenue is to be retained as a pedestrian / cycle route, while a new access road will serve the proposed development. The Streamstown character area is to be accessed primarily from Carey's Lane.

Character Area	Total Units	Apartments	Duplex	Houses
Avenue	109	70	39	
Auburn House	5			5
Front Field	45			45
Back Field	181	151		30
Streamstown	77	27	20	30
Total	417	248	59	110

4.0 Planning History

A number of historic planning applications on the lands are noted including the following:

- PA ref. F18A/0445: Permission for amendments to entrance and associated works at existing house, "Belmont", within the grounds of Auburn House.
- PA ref. F09A/0065: Permission granted for new stable and associated works to the stable yard of Auburn House. This followed a previous refusal (F08A/0685) on grounds of impacts on an existing watercourse and pollution control.
- PA ref. F06A/0230 and F06A/1775: Permission granted for demolition of barn and erection of house at the stable yard of Auburn House.
- PA ref. F95A/0460 ABP ref. 06F.097544: Permission refused on appeal for 4 no. 2-storey houses within the walled garden of Auburn House.
- PA ref. F96A/0011 Permission granted to convert existing stable buildings to 2 no. 2 storey houses within the walled gardens.

5.0 National and Local Planning Policy

5.1. Project Ireland 2040 - National Planning Framework

National Strategic Outcome 1 is identified as Compact Growth, recognising the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 3A seeks the delivery of at least 40% of all new housing in existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

Objective 11 favours development within existing cities, towns and villages, subject to appropriate planning standards and achieving targeted growth

Objective 13 provides that, in urban areas, planning and related standards will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objective 33 prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.2. Eastern & Midland Regional Spatial & Economic Strategy (RSES) 2019-2031

Within the Eastern and Midlands Region, the Dublin region is identified as a global gateway to Ireland and the Dublin-Belfast Corridor is the largest economic agglomeration on the island of Ireland and part of the trans-European transport network. Capacity constraints in housing and infrastructure must be addressed to ensure continued competitiveness as a national economic driver.

The key enablers for growth include promoting compact urban growth to realise targets of at least 50% of all new homes, to be within or contiguous to the existing built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

The spatial strategy for Dublin City and Suburbs is to Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area and ensure that the development of future

development areas is co-ordinated with the delivery of key water and public transport infrastructure.

5.3. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the Planning Authority, the following section 28 Ministerial Guidelines are considered to be relevant to the proposed development.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009, and associated Urban Design Manual.
- Sustainable Urban Housing: Design Standards for New Apartments.
- Urban Development and Building Height, Guidelines for Planning Authorities (December 2018)
- Design Manual for Urban Roads and Streets (DMURS) 2013 - 2020.
- Childcare Facilities – Guidelines for Planning Authorities.
- Architectural Heritage Protection Guidelines for Planning Authorities (2011)
- Guidelines for Planning Authorities on The Planning System and Flood Risk Management.

5.4. Fingal County Development Plan 2017-2023

The subject site is subject to land use zoning objective: 'RA' - Provide for new residential communities subject to the provision of the necessary social and physical infrastructure".

Vision: Ensure the provision of high quality new residential environments with good layout and design, adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures to meet household needs and to promote balanced communities.

It is an objective to provide a masterplan for the Streamstown area which includes subject site, however, this masterplan has not yet been prepared.

Section 1.6 Strategic Policy, includes

6. Consolidate development and protect the unique identities of ... settlements (including)..... Malahide.
11. Protect, maintain and enhance the natural and built heritage of the County, particularly the coastal areas which are of such importance to residents of and visitors to the Dublin region.
20. Ensure new developments have regard to the requirements of the Planning System and Flood Risk Management Guidelines.

Auburn House is a Protected Structure (RPS448).

Objectives CH20, CH21, CH25 and CH46 refer to the protection of protected structures and their setting and curtilage, and their designed landscapes in any development proposal

Local objective 57 relates to the section of the Dublin Road along the boundary of the subject site, and states: "New or widened entrances onto the Dublin Road between Streamstown Lane and the Swords Junction will be restricted, to ensure the protection of the mature tree-lined approach along the Dublin Road to Malahide."

Chapter 3 notes that the Development Plan will identify large or key sites that will require the preparation of approved Masterplans and subsequent planning applications will be required to adhere to the approved Masterplans. Masterplans will be subject to a public consultation process and presentation to the Elected Members of the Planning Authority for agreement.

Objective PM14: Prepare Masterplans for areas designated on Development Plan maps in co-operation with relevant stakeholders, and actively secure the implementation of these plans and the achievement of the specific objectives indicated.

Objective PM20: Local Area Plans, Masterplans, Urban Framework Plans and other plans and strategies will be subject to Strategic Environmental Assessments as appropriate and Screening for Appropriate Assessment.

Section 4.1, notes that in accordance with Objectives PM13 and PM14, Masterplans shall be prepared and agreed by the Planning Authority prior to the submission of any planning application for these lands. LAPs and Masterplans shall provide for the phased development of subject lands as appropriate.

Malahide is identified as a Moderate Sustainable Growth Town.

Objective SS17: Manage the development and growth of Malahide and Donabate in a planned manner linked to the capacity of local infrastructure to support new development of the area and taking account of the ecological sensitivity of qualifying features of nearby European Sites.

Objective Malahide 1- Preserve the special character and identity of the town by securing its physical separation from Swords, Portmarnock and Kinsaley by greenbelts.

Objective Malahide 2 - Retain the impressive tree-lined approach along the Dublin Road as an important visual element to the town and, specifically, ensure the protection of the mature trees along the Malahide Road at the Limestone Field and property boundary walls which create a special character to the immediate approach to Malahide.

Objective Malahide 11 seeks the preparation and/or implementation of Masterplans during the lifetime of the Plan including, Streamstown Masterplan.

The main elements of the Streamstown Masterplan should include:

- Facilitate low density development reflective of the character of the area.
- Protect and preserve trees, woodlands and hedgerows.
- Preserve the tree lined approach to Malahide along the Dublin Road.
- Facilitate high quality sustainable development that protects and enhances the sensitive historic and natural setting of Auburn House and integrates new development with the conservation and preservation of the Protected Structure, its curtilage and protected trees.
- Retain visual corridors to/from Auburn House through the establishment of a visual buffer to the east of Auburn House.
- The area for development north of Auburn House is a sensitive development zone, where a max ridge height of 6m should be applied.

- Provide for a pedestrian / cycle route along the Auburn House Avenue to Malahide Road.
- Ensure pedestrian connectivity between Auburn House Avenue and Abington / Gaybrook / Castleheath.
- The lands will be the subject of a detailed flood risk assessment.

Section 11.3 Masterplans, notes that a number of Masterplans will be prepared during the Plan period. Subsequent planning applications will be required to adhere to the approved Masterplans.

Objective Z03: Prepare and implement Masterplans where required.

6.0 **S.247 Consultations with the Planning Authority**

The planning authority submission indicates that a number of consultation meetings took place with the prospective applicants. The most recent meeting is identified as that on 24/10/2019, where the following issues were raised:

- Design and Layout
- Part V
- Building line and visibility from Malahide Road, / impact on trees.
- Building height in the northern part of the site.
- Retention and management of trees to be located within private gardens.
- Views east from Auburn House.
- Landscape and impact on the woodland and parkland setting of the PTS.
- Management of open space and the mechanics of woodland management.
- Water and drainage infrastructure and flood risk
- Transportation

The prospective applicant's submission notes that a subsequent meeting was held on 12th February 2020, which discussed matters relating to:

- Flood risk.
- Impact on views from the Dublin Road.

- Density.
- Internal road design.
- Revisions to proposed courtyard units.
- Management and retention of trees.
- Reuse of Auburn House.
- Relationship with adjoining development.

7.0 Submissions Received

- 7.1. Irish Water confirm that they have issued a Confirmation of Feasibility for connections to Irish Water networks. In order to support growth in the area, Irish Water has capital works in progress to deliver a new Pumping Station and rising main extension to the North Fringe Sewer. These works are due to be complete by Q4. In order to service this development, an extension of the wastewater network is required along public roads, along Back Road and south along Kinsealy Lane. This extension will be delivered by Irish Water with the costs to be borne by the applicant. A new connection to the existing water network is feasible without upgrade.

8.0 Forming of the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant, the planning authority submission and the discussions which took place during the tripartite consultation meeting.

The key issue to note is that the opinion relates to the documentation submitted, not the proposed development, and whether further consideration/possible amendment of the documents submitted is required in order to constitute a reasonable basis for an application. No assessment of the merits of the case takes place.

8.1. Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information includes, inter alia:

- Pre-Application Consultation Application Form
- Letter to An Bord Pleanála
- Letter to Fingal County Council
- Part V Indicative Costings & Plan
- Irish Water Confirmation of Feasibility Letter
- Letter of Consent
- Statement of Consistency with Planning Policy
- Material Contravention Report
- Community & Social Infrastructure Audit
- Environmental Report
- Childcare Provision Assessment Report
- Pre-Planning Application Fee (Cheque)
- Site location plans and survey drawings
- Architectural Drawings
- Conservation Architect Drawings
- Architect and Urban Design Statement (Architects Report)
- Housing Quality Assessment Apartments & Duplexes
- Housing Quality Assessment Houses
- Housing Quality Assessment Part V
- Streamstown Masterplan
- Engineering Drawings
- Flood Risk Assessment N
- Traffic and Transport Assessment
- Engineering Assessment Report
- Preliminary Construction Demolition & Waste Management Plan
- Sunlight Assessment
- Energy Statement

- JBA Flood Risk Assessment
- Landscape Drawings
- Landscape Development Report
- Historic Landscape Report
- Visual Impact Assessment
- Tree Constraints Plans
- Tree Impact Plans
- Arboricultural Report
- Archaeological Impact Assessment
- Photomontages
- Screening Report for Appropriate Assessment
- Natura Impact Statement
- Ecological Impact Statement
- Bat and Badger Assessment of Auburn House and Little Auburn
- Invasive Species Report
- Public Lighting Layout
- Outdoor Lighting Report

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and relevant guidelines issued by the Minister under section 28 of the Act of 2000. Section 5(6) requires that where the proposed 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 statement provided for the purposes of subsection (5)(b)(i) shall indicate why, in the prospective applicant's opinion, permission should nonetheless be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

8.1.3 Statements required under S.5(5) and 5(6) above have been submitted in this regard and I have considered all of the documentation submitted by the prospective applicant, relating to this case.

8.2. The Material Contravention Statement

The submitted statement refers specifically to contravention of the following objectives of the Fingal County Development Plan 2017-2023;

- Objective PM14 relating to the preparation of a Masterplan in respect of Streamstown area, and
- Two specific objectives for the Streamstown masterplan set out under Objective Malahide 11, relating to density and building heights as follows:
 - Facilitate low density residential development reflective of the character of the area.
 - The area for development north of Auburn House is considered a sensitive development zone, whereby a maximum ridge height of 6m should be applied.
- The statement notes that the Streamstown Masterplan relates to c. 21 ha of lands. Many of the sites within the masterplan area have already been developed in the absence of a masterplan, or are subject to live planning applications.
- This site (c.13.55 ha) comprises the majority of remaining undeveloped lands and essentially represents the completion of the masterplan area.
- The development accords with the densities for 'Outer Suburban / Greenfield' sites under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).
- The site is otherwise contiguous with the built-up area within walking distance of a bus services and within 2km of Malahide train station.
- The density and height objectives for the masterplan area are contrary to National Policy which promoting increased densities and discouraging general blanket height standards in such urban areas.

Section 37(2)(b) Criteria

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

- There is a clear need for housing development in such zoned, urban areas and national policy seeks to bring forward the delivery of housing units.

- The proposed development achieves the objective of such policy by consolidation and densification of the existing urban built form. This current proposal offers the opportunity to bring forward 417 housing units for Malahide and the Metropolitan Dublin Area.

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

- The plan is unclear with regard to the preparation and adoption of Masterplans and the requirements of planning applications to adhere thereto.
- While the development plan refers to the achievement of higher densities in accordance with the Sustainable Residential Development in Urban Areas Guidelines of 35-50 units per hectare, the Plan has a specific conflicting objective to provide for low density housing on the subject lands.

(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

The development is argued to be in accordance with the following national and regional planning policies, and guidelines issued under Section 28, including;

- National Planning Framework
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and associated Design Manual.
- Sustainable Urban Housing: Design Standards for New Apartments]
- Urban Development and Building Height Guidelines for Planning Authorities

The statement notes the following in particular:

- The Development Management Guidelines indicate that prematurity because of a commitment in a development plan to prepare a strategy, Local Area Plan or framework plan should only be used as a reason for refusal if there is a realistic prospect of the strategy or plan being completed within a specific stated

timeframe. It is argued that the same constraint applies with regard to the preparation of a masterplan.

- A requirement to prepare a Masterplan for which no timeline is available is contrary to national policy to speed up housing delivery on suitably zoned lands.
- The 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' note the non-statutory nature of masterplans and that the policy context must be set by statutory plans.
- It is argued that the Masterplan submitted with the application is consistent with the Development Plan requirement for the Streamstown Masterplan and that it does not prejudice either the development of the surrounding lands or the preparation of a masterplan should one be required.
- This application effectively constitutes the masterplan lands as the site comprises the remaining lands available for development in the Streamstown Masterplan.
- National Policy encourages increased densities in the range of 35-50 /ha in such locations. In this case, the proposed net density of c.40 / ha, can only be achieved through the provision of increased building heights of up to 5-storeys.
- It is argued that the proposed building heights and density, on zoned accessible lands, within the development boundary of Malahide and adjoining a frequent bus service, is appropriate and in compliance with National Policy.
- Restricting the height of development at such a location is contrary to National Policy promoting increased densities and discouraging blanket height standards in certain suburban areas, such as this.

(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.

- There is recent precedent for residential development being granted on lands designated for the preparation of a masterplan where such a plan has not been prepared or adopted, including surrounding lands subject to the same Streamstown Masterplan.

- Such developments in this area include revisions to the permitted Clairville development (F17A/0208, F18A/0151, F17A/0177), permission for 8 no. houses under F17A/0548, and permission for 5 no. detached dwellings under F19A/0541.
- There are also numerous precedents across the county.

The statement concludes by referring the Board to S.37(2)(b)(i) and (iii) of the Planning and Development Act, 2000 (as amended), specifically the conflicting objectives within Fingal County Development Plan 2017-2023 insofar as the proposed development is concerned, the policies and objectives set out within the Section 28 Guidelines and noting the national importance of delivering housing given the current housing crisis.

8.3. Planning Authority Submission

In accordance with section 6(4)(b) of the 2016 Act, the planning authority submitted the following documents to the Board on 12th August 2020:

1. Cover letter
2. Fingal County Council's opinion in respect of the proposed development.
3. Copy of the Section 247 consultation record dated 24th October 2019.
4. Details of planning history relating to the lands
5. Copies of internal departmental reports.

The submitted opinion makes the following points:

Strategic Context:

- The Planning Authority is supportive of the appropriate development of the subject site as it can contribute to consolidation of Malahide and to the targets in the National Planning Framework.
- It is a Development Plan objective to provide for a masterplan for the lands, however, this masterplan has not yet been prepared.
- The net density at 39.65 / ha is acceptable taking into account the projected yield of residential land in Malahide and role of the town in the settlement hierarchy,

distance of the site from the town centre, the surrounding context and the nature of public transport provision in the vicinity.

- The density also has to have regard to the need to protect the character and setting of Auburn House.
- The development should be of extremely high architectural merit and not impact negatively upon the protected structure or the sylvan landscape.
- The scale and layout of the development in its current format would negatively impact upon this Protected Structure of Regional Importance.
- The apartment buildings suffer from a lack of visual and architectural interest and variety, and do not adequately respond to this location.
- Provision should be made for strong connectivity to adjoining lands.
- Any deviation from the Development Plan objectives for the Streamstown Masterplan should incorporate innovative design to protect the setting of the Protected Structure, adjoining amenities and promote a satisfactory standard of design.
- Inadequate detail has been submitted regarding flood risk and further modelling is required.
- Water services in this area are under extreme pressure and investment in the wastewater network is required.
- The application should clearly demonstrate that public transport in the vicinity can support the proposed densification of the subject site.

Proposed Layout and Design

- The design approach is generally acceptable, however areas most closely associated with Auburn House and its origins require further consideration.
- There are serious concern regarding the scale and appropriateness of apartment blocks in Character Area 1 – The Avenue, and the potential impact upon the character of the Dublin Road and the approach to Auburn House.
- Apartment blocks together with the duplex units within this area would break the established recessed building line and impact on the woodland character.
- 5-storey apartment blocks are not in keeping with the scale of existing buildings in the area and would fundamentally alter the character and sense of the place.

- The northern and south-western areas of the site are more appropriate locations for higher buildings.
- The view outwards from Auburn House towards Malahide Castle with the designed landscape should be retained and protected. This is identified under Objective Malahide 11 of the Development Plan for the Streamstown masterplan.
- A gap through the eastern boundary should therefore be retained.
- While courtyard housing is acceptable, there is excessive encroachment into the viewshed from Auburn House.
- The walled garden should be retained as an open amenity area. Walls and the tower-type follies along should be retained and not negatively impacted.

Conservation and Impact on Built Heritage

- The principle of retaining Auburn House as a single residence is welcome. Clarification is required regarding the land holding retained with the house and its relationship with the stable courtyard to the rear.
- The development should respect the character of the site in terms of its contribution to the character of the approach to Malahide and in respect of the approach to Auburn House.
- Inadequate consideration has been given to the historic landscape in which it is located. Section 2.8 of the Building Height guidelines refers to the impact of buildings heights upon historic settings.

Residential Amenity

- The layout and density of the development should not impact negatively on the residential amenity of future occupants or the existing adjoining residents.

Access and Transport

- There are concerns with the methodology of the Traffic & Transport Assessment.
- Parking provision is acceptable but increased visitor and an overall increase in bicycle parking should be provided.
- The design of the R107 and Back Road junction upgrade requires agreement.
- The application will have to address provision of a cycle network within the site.
- Universal access to basement car parking should be addressed.
- The design of parking layout should be addressed as per Transport Dept reports.

Trees and Woodland

- The Historic Landscape Report should address the regional and national significance of the Auburn House lands.
- A Woodland Management Plan should be prepared. The development of less favourable woodland areas would appear to be contrary to the development plan Objective for Tree Preservation.
- Mature internal field boundaries should be retained. To the east of the backfield, this can demark this area of higher density development within the lands.
- The boundary to the north of Little Auburn, along the stream, should be retained or reinstated.

Open Space and Proposed Landscaping

- The tree preservation objectives of the development plan reflect the quality of woodland on the site.
- The quantum and the hierarchy of open space should be clarified.
- Treatment of the roadside boundary should be clarified.

Other:

Any application should be supported by the following:

- Detailed height strategy informed by the historical and woodland setting.
- Evaluation of the potential impact of the 5-storey apartment blocks and the courtyard housing on Auburn House including viewpoints from within the lands.
- A Protection Plan should be prepared to set out how the Protected Structure will be safeguard prior to and during any development.
- A breakdown of open space and a drawing of accessible play provision.
- A Woodland Management Plan.

Conclusion

- The planning authority is supportive of the development of the site in an appropriate manner.
- The main considerations leading the design approach should be the need to protect the character and setting of Auburn House and of the Dublin Road on this approach to Malahide and the implications of flood risk for the site.

- The proposed layout requires significant revision with regard to the impact upon the setting of Auburn House, the historical landscape and protected woodlands, flooding and open space provision and permeability through the site.

Internal Departmental Reports were submitted as follows:

- Water Services
- Transportation
- Parks and Green Infrastructure Division
- Conservation Officer

8.4. Consultation Meeting

A Section 5 Consultation meeting on 17th November 2020, commencing at 2.30pm, via Microsoft Teams. I refer to the record of the meeting in respect thereof.

Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were as follows:

1. Masterplan / Development Strategy vis Development Plan objectives
2. Protected Structure and its Curtilage – including the vista and landscape setting of Auburn House, and treatment of the walled garden
3. Woodland management and biodiversity
4. Drainage – Surface water including SUDS measures and public open space
 - Flood Risk Assessment
 - Foul drainage works
5. Residential amenity for apartments – daylighting, aspect
6. Transport and access
7. Any Other Matters

In relation to the Masterplan / Development Strategy vis Development Plan objectives, An Bord Pleanála sought further elaboration / discussion on the following:

- The status of the Masterplan for the lands as identified in the development plan.

- Compliance with the development plan objectives for the lands and potential material contravention thereof.

In relation to the Protected Structure and its Curtilage, An Bord Pleanála sought further elaboration / discussion on the following:

- Potential impact on the character of, and views from, the Dublin Road.
- The relationship of development with the existing entrance avenue.
- Relationship of the proposed development with the setting of Auburn House and views / viewshed from the house.
- Relationship of Auburn House with proposed development, in particular proposed stable housing, and its retained curtilage.
- Treatment of the walled garden and impacts on its character and structure.

In relation to Woodland management and biodiversity, An Bord Pleanála sought further discussion/consideration on the following:

- The need for a detailed woodland management plan.
- Clarity on the extent of tree loss and rationale therefor.

In relation to Drainage, An Bord Pleanála sought further elaboration / discussion on the following:

- The design of SUDS measures.
- The assessment of flood risk.
- The extent of works required to connect to wastewater networks.

In relation to residential amenity for apartments, An Bord Pleanála sought further elaboration / discussion/consideration on the following:

- The achievement of adequate levels of daylighting to proposed units.

- Compliance with the dual aspect provisions of the apartment design guidelines.
- Clarification on the provision of communal and public / private open spaces.

In relation to Transport and Access, An Bord Pleanála sought further discussion / consideration on the following:

- Connectivity to adjoining lands.
- The approach to the assessment of traffic impacts.
- Internal road design and layout.

In relation to Any Other Business, An Bord Pleanála sought further elaboration / consideration on the design and layout of the proposed duplex units in the Avenue character area.

9.0 Conclusion and Recommendation

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority, the submission of Irish Water and the discussions which took place at the tripartite meeting. I have had regard to both national policy, including s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the

Act, **constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.**

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

10.0 Recommended Opinion

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under S.4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media
2. Heritage Council
3. An Taisce

4. An Comhairle Ealaíon
5. Fáilte Ireland
6. Irish Aviation Authority
7. Irish Water

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. Further elaboration and clarification of the relationship of the proposed development with the Dublin Road in the context of the development plan objectives to protect the character of this approach to Malahide. Such elaboration should consider the extent and treatment of open space and mature trees along this road frontage.
2. Further elaboration and clarification of the documents as they relate to the relationship between the proposed development and the existing entrance avenue. Such elaboration and clarification should include additional section drawings and visual analysis illustrating this relationship.
3. Further elaboration and consideration of the documents as they relate to the definition of the views and visual corridors to / from Auburn House, which are identified for retention in the county development plan. Such analysis should proceed to assess and / or justify the impact of the proposed development on the defined visual corridor and on the landscape setting of this protected structure.
4. Further clarification and elaboration of the documents as they relation to the treatment of Auburn House and associated structures, including the walled garden. Documents, including a detailed Conservation Methodology, should clearly identify the extent of the landholding to be retained with Auburn House and the relationship of this protected structure with the proposed development, particularly with the proposed rear / western stable dwellings. The extent of

works and intervention in the walled garden should be clearly identified, along with measures to protect the integrity of structures on the site.

5. Further consideration and/or elaboration of the documents as they relate to the treatment of existing trees and woodland on the site, to include maps and drawings providing clarity regarding:
 - Trees to be retained and / or removed and the condition of such trees.
 - The rationale for removal – i.e. whether due to condition or development impacts.
 - The nature, extent and phasing of planting to be provided across the site.

A detailed woodland management plan should be provided which should identify specific measure and actions to ensure the long-term maintenance and protection of trees and woodland on the site. Responsibility for implementation of such plan should also be identified.

6. Further consideration and elaboration of the documents as they relate to the risk of flooding. A revised Site-Specific Flood Risk Assessment should be submitted having regard to the issues raised in the planning authority Water Services report, dated 07/08/2020.
7. Further consideration and elaboration of the documents as they relate to daylighting to proposed apartment units, which should have regard to the provisions of “Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice”, (BR209) by Paul Littlefair.
8. Further consideration and elaboration of the documents as they relate to the design and layout of internal roads, car and bicycle parking, and to the assessment of traffic and transportation impacts arising from the proposed development. Particular regard should be had to the issues raised in the report of the planning authority Transportation Planning Section in this regard.
9. Further consideration and elaboration of the documents as they relate to the design and layout of open space across the site, clearly identifying and defining public private and communal spaces.

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Conor McGrath
Planning Inspector

09/12/2020