

DOWNEY

29 Merrion Square, D02RW64



Supporting Planning Statement

**A Proposed Strategic Housing Development,
Lands at Auburn House (a Protected Structure),
Malahide, Co. Dublin**

Applicant: Kinwest Ltd.

April 2022

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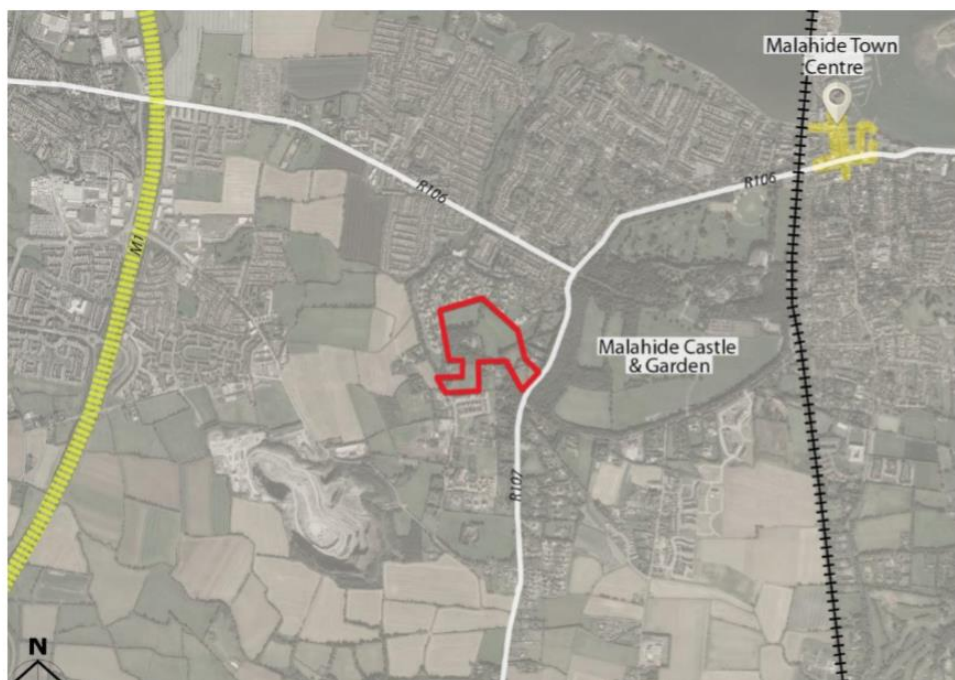
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	Name	Date	Version
Prepared by	Lorna O'Sullivan BA MRUP	28/03/2022	V1
	Donal Duffy MIPI	02/04/2022	V2
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PREFACE

This proposed development relates to a Strategic Housing Development on lands at Lands at Auburn House (Protected Structure), Little Auburn and Streamstown off the R107 Malahide Road/Dublin Road and Carey's Lane, Malahide, Co. Dublin. The subject lands extend to approximately 13.28 hectares. The lands are generally bounded by the existing Abington Estate to the north and west, the R107 Malahide Road/Dublin Road and rear gardens to the east and undeveloped lands to the south. Access to the site is currently from the existing driveway to Auburn House, which is accessed off the R107 Malahide Road/Dublin Road.

The subject site represents a large greenfield land bank of residentially zoned land that is strategically located adjacent to the existing residential developments as well as public transport and significant amenity facilities in Malahide Castle and Demesne (which in itself is a significant amenity of a regional scale as it contains a range of facilities and attractions including a sports hub of cricket, tennis, pitch & putt and Par 3 golf, playing fields, walks, café/restaurants, playgrounds, gardens, museums etc). It is also within walking distance of Malahide Train Station and town centre. There are also a range of schools, childcare facilities, employment and retail/commercial services that are accessible within walking distance of the site. In this regard, it is respectfully considered that the site is suitably located for a residential development and that the development being proposed in this instance is appropriate from a planning perspective. The supporting documentation submitted with this planning application confirms that there is sufficient capacity within the schools and other community infrastructure in the area to accommodate the proposed development (please refer to Downey's Community & Social Infrastructure Audit, School Demand Assessment and Childcare Demand Assessment).



Malahide has been identified as a Moderate Sustainable Growth Town in the Fingal County Development Plan 2017-2023. The Development Plan notes that Malahide has experienced population growth in recent years and is served by high-capacity public transport links to Dublin City. The subject site is located on appropriately zoned lands within the development boundary of Malahide ensuring the development of these lands is consistent with Development Plan policy. The Development Plan estimates that 1,114 residential units can be produced within Malahide during the lifetime of the Plan. The proposed development provides for a total of 369 no. dwellings (including the existing Auburn House remaining as a single dwelling) with an overall net density of c. 38 dwellings per hectare. This will help to provide some of the housing that is required to meet the population increase that is projected for Malahide and subsequent demand for new housing in the area.

The proposed design has been carefully and sensitively designed by a multi-disciplinary team, which specifically seeks to address the requirements of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Planning and Development (Strategic Housing Development) Regulations 2017, items raised by the Planning Authority and An Bord Pleanála during the pre-application consultations, national planning policy and guidelines and the Fingal County Development Plan 2017-2023 as well as the previous reasons for refusal on ABP. Ref. 309907-21. Design revisions have been made to positively address the developments setting within the natural and built heritage of the Auburn lands. Furthermore, the Woodland Management Plan will provide guidance and a strategy by which the site's existing and future tree population and woodland areas can be managed, maintained, restored, and improved in a sustainable manner to accommodate the requirements of the planning authority and all stakeholders.

The carefully designed development respects the existing context and constraints of the site with the tree lined avenue along the Malahide/Dublin Road (R107) being retained and the taller apartment blocks all being designed to be lower than the existing and substantial tree canopy in order to screen the development, which is evident in the verified views prepared by 3D Design Bureau and the Landscape & Visual Impact Assessment prepared by The Big Space, which forms part of the overall EIAR. Due considerations have been given to the sites vehicular entrance and an assessment has been undertaken into all potential access options to serve a proposed strategic housing development on these lands at Auburn. A new entrance to the south of Auburn House that will act as a signalised junction with Back Road has been identified as the best solution for this site as it minimises tree removal along the character edge of the site and thus helps to retain the Sylvain character of the Malahide Road and respects the heritage value of the site, while facilitating a safe means of vehicular movement.

It is submitted that the proposal of 368 no. new residential units offers an efficient use of appropriately zoned lands, in a highly accessible location within the development boundary of Malahide. The application site is also located within walking distance of a Dublin Bus stop located along the R107 Malahide Road/Dublin Road to the southeast of the application site and is located within 2km of Malahide train station whilst providing a variety of unit types and mixed tenures for all, in a high-quality, vibrant community setting.

The current proposed development has been amended significantly from the design and layout submitted under the previous application (ABP Ref. 309907-21). The key changes that have been made to the scheme and which clearly address reason for refusal no. 1 are set out below:

- The density of the development has been reduced from 411 no. dwellings previously proposed to now being a proposal of 368 no. new units.
- A reduction of approximately 25% in the number of trees proposed or required to be removed (please refer to the Arborist Report for details).
- The removal of Block 7 from the woodland.
- Moving apartment Block 3 in a westerly direction to preserve the historic tree/hedgerow.
- The reduction in height of apartment blocks 1-3 by a single storey, to ensure that they are not impacting on the visual setting of Auburn and are completely below the existing tree line.
- Removal and reconfiguration of housing clusters in the front field, which protect the setting of Auburn House but also retain additional tree stands and hedgerows.
- The removal of the previous 'rain garden' attenuation area in the front field which preserves an existing historic hedgerow.
- Improved and updated Woodland Management Plan (prepared by The Tree File).
- The removal of the previously proposed community use building from the Walled Garden.
- The curtilage of Auburn House has been extended to provide a more appropriate amenity to the protected structure and future residents.
- Waterman-Moylan have prepared a full daylight & sunlight assessment, which confirms that the development is consistent with the BRE Guidelines.
- The matter of the access to the site from the R107 is discussed in detail in a stand-alone Development Access Report, prepared by Downey Planning.
- The provision of a Protection Plan for Auburn House, prepared by Sheehan & Barry Conservation Architects.

It is important to note that new and updated surveys have been carried out as part of the preparation of this application, including (but not limited to) ecological and habitat surveys, tree and woodland surveys, transport capacity surveys and school and community infrastructure surveys.

It is respectfully submitted that the proposed development has fully addressed the reasons for refusal under ABP Ref. 309907-21 and this is set out in section 2 of this report. CCK Architect's Design Report also outlines the changes between the current proposal and the previously proposed scheme.



1.0 INTRODUCTION

Downey, Chartered Town Planners, 29 Merrion Square, D02 RW64, have prepared this Supporting Planning Statement, on behalf of the applicant, Kinwest Limited, to accompany a planning application to An Bord Pleanála for a proposed Strategic Housing Development on lands at Auburn House (a Protected Structure), Malahide, Co. Dublin.

This application is accompanied by a comprehensive range of documentation which specifically seeks to address the requirements of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Planning and Development (Strategic Housing Development) Regulations 2017, items raised by the Planning Authority and An Bord Pleanála during the pre-application consultations, national planning policy and guidelines and the Fingal County Development Plan 2017-2023 as well as the previous reasons for refusal on ABP. Ref. 309907-21.

The proposed development will consist of the preservation and protection of the existing Protected Structure of Auburn House as 1 no. residential dwelling, and the construction of 368 no. residential dwellings units (87 no. houses, 238 no. apartments, and 43 no. duplexes), providing for an overall total of 369 no. residential units. The development shall consist of the construction of along with 1 no. childcare facility, landscaped public open space, car parking and all associated ancillary site development infrastructure including foul and surface water drainage, internal roads, cycle paths and footpaths, and boundary walls and fences. Vehicular access to the proposed development is to be from the existing R107 Malahide Road/Dublin Road entrance to the south-east of the site and a secondary entrance and the adaption of the existing vehicular entrance off Carey's Lane to the southwest of the development and all associated engineering and site works necessary to facilitate the development.

The form of the residential buildings will be two to five storeys which has been designed to provide for an appropriate variation in scale from the surrounding residential areas, with the houses being located closest to the relevant boundaries and the duplex and apartments are set further away from the boundaries and therefore respect the existing residential area. Design and materials will be of a high quality and there will be a mixture of unit configurations across the site to avoid a homogenous block appearance and to facilitate the various type of family units that will ultimately occupy the units. It is proposed to provide 135 no. 1 bedroom units, 138 no. 2 bedroom units, 55 no. 3 bedroom units, 34 no. 4-bedroom units and 6 no. 5-bed units; across a mix of one, two and three bed apartments, two, three, four and five bed houses, one, two and three bed duplex units providing for a mix of units.

This planning report outlines the context of the subject site, the background and rationale of the proposed development and provides a summary as to how it complies with the relevant planning policy and guidance. It should be read in conjunction with the accompanying detailed documentation prepared by the design team.

The scheme has been prepared by a multi-disciplinary design team and has been subject to pre-planning consultation with the Local Authority and An Bord Pleanála. The scheme has evolved and improved as a result of the Stage 1 and Stage 2 meetings. This has ensured that a well-considered and appropriate form of development can be developed and that will help to integrate with the future development of the wider Malahide area. The design team is as follows:

- Downey Planning – Planning Consultants.
- CCK Architects – Project Architects.
- Sheehan & Barry – Conservation Architects.
- TBS Landscape Design – Landscape Architects.
- Waterman Moylan – Civil, Structural, Traffic and Mechanical & Electrical Engineers.
- CORA Consulting Engineers – Structural Engineers.
- 3D Design Bureau – CGI Consultants.
- Openfield Ecological Services – Ecologist.
- Brian Keeley – Wildlife Surveys and Ecological Consultant.
- Peter Cuthbert – Horticulturist Consultant.
- The Tree File – Consulting Arborists, and.
- Sabre Electrical Services Ltd. - Lighting Consultants.

It is submitted that the proposal of 369 no. residential units (368 no. new units plus the existing Auburn House) offers an efficient use of appropriately zoned lands, in a highly accessible location within the development boundary of Malahide. The application site is also located within walking distance of a Dublin Bus stop located along the R107 Malahide Road/Dublin Road to the southeast of the application site and is located within 2km of Malahide train station whilst providing a variety of unit types and mixed tenures for all, in a high quality, vibrant community setting.

This report sets out the planning rationale and justification for the proposed development and demonstrates how it accords with the proper planning and sustainable development of the area. This statement should be read in conjunction with the plans, drawings and documentation submitted as part of the overall planning pack.

2.0 ADDRESSING THE PREVIOUS REASONS FOR REFUSAL

From the outset, it is important to outline how the current proposal represents a significant improvement over that of the scheme submitted under the previous application on the site (ABP Ref. 309907-21) and has been revised in order to address the 3 no. reasons for refusal by the Board under 309907-21 as well as the Notice of Opinion from the Board at the Section 5 Ore-Application Consultation. This is now outlined below. The Planning Report shall then set out the background to the site, merits of the revised design and brief overview of the application itself.

Reason for Refusal No. 1

“The proposed development would situate a new entrance from Dublin Road, both detracting from the visual prominence of the existing historical entrance to the site (a curtilage feature of Auburn House a Protected Structure RPS No. 448) and resulting in the removal of trees that contribute to a special character that is recognised as worthy of preservation in the County Development Plan. In addition, the proposed development would encroach upon the attendant grounds to the Protected Structure to the east, south and north: The situation of houses to the east of Auburn House would reduce the openness of this historic landscape setting and conflict with the original alignment of the house to the Malahide Castle Demesne; the removal of trees in the south of the woodland surrounding to Auburn House and construction of

apartment block 7 would harm the integrity of the woodland and its function, informing the setting of the Protected Structure; and the location of blocks up to 6 storeys in height to the north of Auburn House has not been adequately tested visually and is an inappropriate scale in the setting of this important and well preserved Protected Structure. The combination of these elements would significantly adversely impact the appreciation of the character and setting of the Protected Structure and its attendant grounds which are currently well-preserved. As a result, the proposed development would negatively impact Auburn House a Protected Structure (RPS No. 448). The proposed development is therefore contrary to Objectives CH20, CH21 and CH22 of the Fingal Development Plan 2017-2023, The Architectural Heritage Protection Guidelines for Planning Authorities and the Urban Development and Building Heights Guidelines for Planning Authorities”.

Response

The current proposed development has been amended significantly from the design and layout submitted under the previous application. The key changes that have been made to the scheme and which clearly address reason for refusal no. 1 are set out below:

- The density of the development has been reduced from 411 no. dwellings previously proposed to now being a proposal of 368 no. new units.
- A reduction of approximately 25% in the number of trees proposed or required to be removed (please refer to the Arborist Report for details).
- The removal of Block 7 from the woodland.
- Moving apartment Block 3 in a westerly direction to preserve the historic tree/hedgerow.
- The reduction in height of apartment blocks 1-3 by a single storey, to ensure that they are not impacting on the visual setting of Auburn and are completely below the existing tree line.
- The removal of the top floor also removes the cladding material, which the Inspector had concern with on the previous application.
- Removal and reconfiguration of housing clusters in the front field, which protect the setting of Auburn House but also retain additional tree stands and hedgerows.
- The removal of the previous ‘rain garden’ attenuation area in the front field which preserves an existing historic hedgerow.
- Improved and updated Woodland Management Plan (prepared by The Tree File).
- Tree retention has been optimised by landscape design which maximises use of already open space allows for the retention “as is” of large areas of tree supporting ground.
- The removal of the previously proposed community use building from the Walled Garden.
- The curtilage of Auburn House has been extended to provide a more appropriate amenity to the protected structure and future residents.
- A Protection Plan for Auburn House has also been prepared by Sheehan & Barry Conservation Architects, which sets out how the existing house can continue to be managed and protected. Their Conservation Impact Assessment also confirms that the proposed development will not have a negative impact on the Auburn House.



Figure 1: Previously Proposed Site Plan ABP Ref. 309907-21

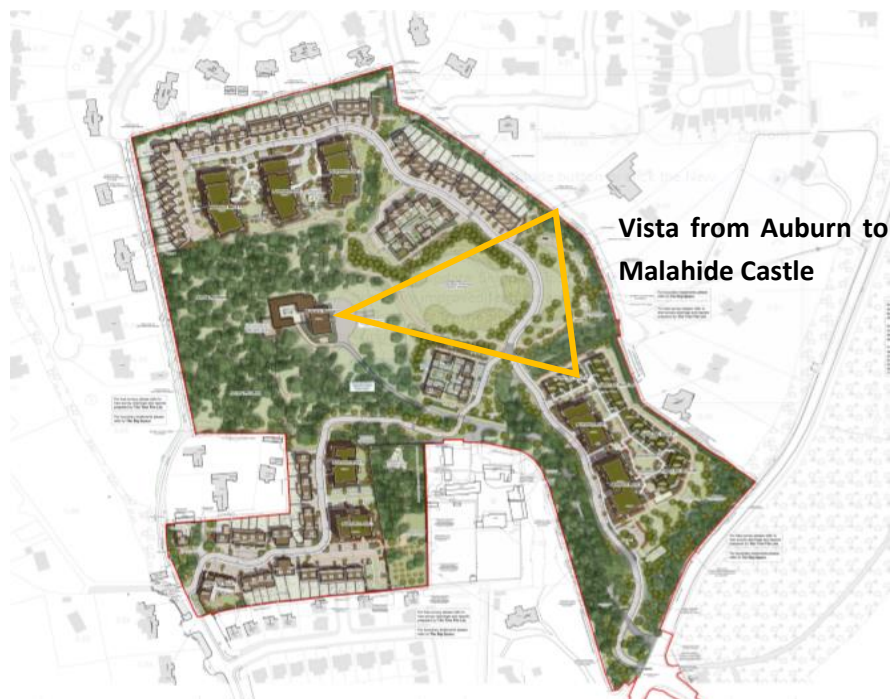


Figure 2: Proposed Site Plan

In relation to the height of Apartment Blocks 1-3, these have been revised with a floor being omitted from each of the blocks, such that the maximum height of Block 2 is now 5 storeys (previously 6 storeys). Also, in order to address the concern noted by the Inspector in the previous application, additional verified views have been taken that assess the potential impact of the development from the north looking towards Auburn House. While the Inspector, did not consider the heights to be detrimental, she was concerned with the level of assessment. It is evident the design changes by CCK Architects, that reduce the heights of the blocks and also preserve the historic hedgerow from Block 3, that the development will not result in a negative impact on Auburn or its settings. In fact, the

apartment blocks are significantly below the top of the existing tree line and will not be visible from Auburn House and do not block any view into the front field of Auburn. This has been confirmed by the revised verified views and the LVIA that have been prepared and submitted with this new application.

The Board are also invited to refer to the plans and documents submitted by other members of the design team, particularly CCK Architects and The Big Space Landscape Architects for further details of the design changes. The report by Sheehan & Barry Conservation Architects also addresses the development in terms of its impact on Auburn House and its attendant grounds and the positive changes that the current scheme brings about in comparison to the previous application.



Figure 3: Section photomontage showing apartment blocks 1-3 in back field (note they are well below tree line)

Sheehan & Barry Conservation Architects have also prepared an Architectural Heritage Impact Assessment Report, which is submitted under separate cover letter as part of this application, that sets out how the current proposal is an improvement on the previous application. In relation to the retention of the courtyard buildings as attendant structures, it states that it:

“The retention of the courtyard buildings as attendant structures will reinforce and conserve the historical relationship and hierarchy of the main dwelling to the stable yard. It therefore retains the key conservation elements and character of yard i.e. the picturesque treatment of the elevations within the yards. It conserves the materials and finishes. There is a clear change of character from the historic use of the buildings for coach house use and equestrian use to residential use.”

The report concludes that:

“The selection of lands which do not impact upon the setting of the house has been prioritized and the quantum of preserved woodland, open space to the front of the house and key assets such as the portion of the walled garden within the application and the preservation of the demesne character of the original entrance driveway contribute to retain significant heritage value. The Protected Structure must be maintained as part of any development and the proposal to retain the house in single use represents the least impact upon the intact interior and historic character. The retention of the stable yard as part of the attendant structures associated with the main house is also to be welcomed. The adoption of an active maintenance strategy should be an absolute priority.

The retention of the walled garden character offers an asset that, together will preserve the essential character of this special space and is to be welcomed. The corner feature towers are to be conserved and where appropriate restored, which is also beneficial.

Overall and in the context of the relevant zoning, the design of the development has been given careful and due consideration of the heritage character, context and value of the house and lands at Auburn.”

Reason For Refusal No. 2

The proposed development is on a site characterised by woodland areas of heritage value and fronting onto the Dublin Road / Malahide Road which exhibits a sylvan character. These features are specifically identified under the Fingal Development Plan 2017-2023 as worthy of preservation. The proposed development will result in the loss of a significant number of trees, tree groups and hedgerows on the site, adversely impacting the integrity of woodland and canopy coverage across the site, to the detriment of the sites special and historical characteristics. As a result, the proposed development is contrary to Local Objective 57, Objective PM64, Objective CH20, Objective CH21, Objective MALAHIDE 2 and Objective MALAHIDE 11 of the Fingal Development Plan 2017-2023.

Response

The applicant and design team acknowledge that the site is characterised by woodland areas of heritage value and the fronting onto the Dublin Road/Malahide Road exhibits a sylvan character. The current proposal also seeks to address reason for refusal no. 2 and represents a significant improvement on the protection of the woodland setting and trees at the site. Some of the key changes that have emerged include:

- The density of the development has been reduced from 411 no. dwellings previously proposed to now being a proposal of 368 no. new units.
- A reduction of approximately 25% in the number of trees proposed or required to be removed (please refer to the Arborist Report for details).
- Removal of Block 7 from the woodland.
- Moving apartment Block 3 in a westerly direction to preserve the historic tree/hedgerow.
- Removal and reconfiguration of housing clusters in the front field, which protect the setting of Auburn House but also retain additional tree stands and hedgerows.
- Tree retention has been optimised by landscape design which maximises use of already open space allows for the retention “as is” of large areas of tree supporting ground.
- The removal of the previous ‘rain garden’ attenuation area in the front field which preserves an existing historic hedgerow.
- Improved and updated Woodland Management Plan (prepared by The Tree File).
- The removal of the previously proposed community use building from the Walled Garden.

The changes which have been briefly summarised above and outlined in the figure below, result in a reduction in the number of trees/hedgerows that would be lost as a result of the proposed development. This is explained in greater detail in the arborist report and Woodland Management Plan, prepared by The Tree File, which are submitted under separate cover. The changes also help to ensure that the development is more sensitively and appropriately designed and sited in relation to the protected structure of Auburn House and its attendant grounds.



Figure 4: Trees/hedgerows being retained in revised proposal (outlined in yellow)

Having summarised some of the key changes and how the reduce tree and woodland/hedgerow loss, we shall now discuss how the revised development addresses the concerns raised by the Board and specifically having regard to *Local Objective 57, Objective PM64, Objective CH20, Objective CH21, Objective MALAHIDE 2 and Objective MALAHIDE 11 of the Fingal Development Plan 2017-2023.*

It is also important to note that as outlined in the arborist report, many trees at Auburn are already in a state of deterioration and present increasing risks through failure and this without any development taking place.

The Arborist report submitted with this application also states that:

“As 100% tree retention would prove impossible, the tree retention strategy has been achieved in two principal ways. These include a development design that maximises the use of already open spaces, in conjunction with a tree protection plan for use during the construction phase, that allows for the retention “as is” of large areas of tree supporting ground. Fortunately, the site’s inclusion of many broadly open spaces, in the form of fields and lawns has greatly facilitated this design and has allowed for the development of a scheme that is broadly sympathetic to the existing landscape and that limits tree loss...

...Notwithstanding some tree losses, many individual trees, tree lines and tree groups will be retained. These will include the major woodland and tree features associated with the Auburn demesne, including the main woodland to the rear of Auburn House, the belt associated with the entrance drive and much of the belt associated with the Dublin Road boundary of the site, will be retained.”

Downey respectfully submits to the Board that design revisions have been made with the intention to optimises tree retention and the revised site layout protects the historic woodland character of the Auburn lands, with a reduction of approximately 25% in the number of trees that would be removed by the proposed development.

L.O. 57 – *“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”.*

The design team have looked at alternative access options from the Malahide Road. However, it must be acknowledged that all options for the development of the lands would require either the widening of an existing access and/or the provision of new entrances on the Dublin Road. The lands simply cannot be developed without alterations to the existing accesses onto the Dublin Road. Having regard to the opinion of the Planning Inspector on the previous application and the decision of the Board, the design team have prepared a detailed assessment of all of the options available for accessibility onto the main Dublin Road and this is prepared in a stand-alone Auburn Development Access report, which is submitted under separate cover. This report considers the impacts from the view of conservation and heritage, arboricultural, landscape and visual impact and also traffic safety and management. The proposed option, which is in fact the same approach as previously submitted to be the most suitable design for Auburn as the other options would result in a greater tree loss, long-term significant adverse impact on the historic gates and entrance to Auburn or give rise to serious traffic safety issues. It is submitted that the Local Objective 57 needs to be balanced against the need to provide safe means of vehicular access onto the lands to facilitate the development of these residentially zoned lands. In this regard, we would draw the Board’s attention to section 11.4.36 of the Inspector’s Report on ABP Ref. 310413-21 (Deer Park Howth), which states:

“While new openings in this historically significant feature should be avoided, the only option to create an access to this residentially zoned site, is to create a new opening in the wall. There are no existing openings onto Howth Road that can be utilised and therefore the removal of part of the wall to facilitate access is an unavoidable

consequence of developing the site. This will be inevitable no matter what type, or scale of development, is proposed on the site”.

Objective PM64 – *“Protect, preserve and ensure the effective management of trees and groups of trees”.*

This has been addressed in detail in the revised arborist’s report and Woodland Management Plan that has been prepared by The Tree File and which are submitted under separate cover. It is noted that the proposed development in this instance will retain a significant number of more trees in comparison to that from the previous application at this site.

Objective CH20 – *Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, is compatible with the special character, and is appropriate in terms of the proposed scale, mass, height, density, layout, materials, impact on architectural or historic features, and junction with the existing Protected Structure.*

Objective CH21 – *Seek that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or designed views or vistas from or to the structure is conserved.*

Significant changes have been made to the design of the proposed development and its layout, massing, scale and height such that it is more sympathetic and respectful to the setting of Auburn House and its attendant grounds and as such is consistent with Objective CH20 and Objective CH21. As mentioned previously, these changes include:

- The density of the development has been reduced from 411 no. dwellings previously proposed to now being a proposal of 368 no. new units.
- A reduction of approximately 25% in the number of trees proposed or required to be removed (please refer to the Arborist Report for details).
- The removal of Block 7 from the woodland.
- Moving apartment Block 3 in a westerly direction to preserve the historic tree/hedgerow.
- The reduction in height of apartment blocks 1-3 by a single storey, to ensure that they are not impacting on the visual setting of Auburn and are completely below the existing tree line.
- The removal of the top floor also removes the cladding material, which the Inspector had concern with on the previous application.
- Removal and reconfiguration of housing clusters in the front field, which protect the setting of Auburn House but also retain additional tree stands and hedgerows.
- The removal of the previous ‘rain garden’ attenuation area in the front field which preserves an existing historic hedgerow.
- Improved and updated Woodland Management Plan (prepared by The Tree File).
- The removal of the previously proposed community use building from the Walled Garden.

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”.

It is respectfully submitted that the existing tree-lined approach along the Dublin Road is being retained in so much as possible while still facilitating the development. The most notable element of the property boundary walls at the subject site are in fact the historic entrance into Auburn and this is to be retained as part of the development. The option of using this as the main entrance, or even as part of an ‘in-out’ access arrangement, would have required significant widening of the entrance and removal of part of the pier walls and gate. Therefore, it is contended that the route option chosen for the access to the proposed development is most consistent with Objective Malahide 2 of the County Development Plan 2017-2023.

Objective Malahide 11 *“Prepare and/or implement the following Masterplans during the lifetime of this Plan:*

- *Streamstown Masterplan (see Map Sheet 9, MP 9.A)”*

The Development Plan sets out the following main elements to be included within the Streamstown Masterplan:

- *Facilitate low density residential development reflective of the character of the area.*
- *Protect and preserve trees, woodlands and hedgerows within the Masterplan area.*
- *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 considered a sensitive development zone, whereby a maximum 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.*

While no statutory masterplan has been prepared for Streamstown, it is noted that the proposed development is consistent with the principles set out in the Development Plan as they relate to the masterplan. The protection of woodlands and trees within this development has been discussed and justified in the points above regarding Objective PM64, Local Objective 57 and Objective Malahide 2.

Reason For Refusal No. 3

The proposed development fails to provide a comprehensive assessment of daylight and sunlight within the proposed development; and potential daylight, sunlight / overshadowing impact upon surrounding properties. Therefore, there is insufficient information to determine daylight, sunlight and overshadowing impacts as required under the Fingal County Development Plan 2017-2023 to be in accordance with the methodology in the BRE Site Layout Planning for Daylight and Sunlight: a guide

to good practice. As a result, the proposed development is contrary to Objective DMS30 of the Fingal County Development Plan 2017-2023 and the criteria under 3.2 in the Building Height Guidelines.

Response

Downey's can confirm that Waterman-Moylan Consulting Engineers have prepared a new Daylight Assessment report, which is submitted under separate cover as part of this pre-application consultation request. This assessment provides a full assessment of the following:

- Daylight to the proposed dwellings/apartments within the scheme.
- Sunlight on the proposed development and existing gardens.
- Assessment of the impact on annual probable sunlight hours to adjacent existing buildings.
- Overshadowing study on the proposed development and on existing dwellings.

This assessment has been carried out in accordance with the BRE document 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' Second Edition 2011. Thus, it is in consistent with the criteria under section 3.2 of the Building Height Guidelines (2018) and Objective DMS30 of the Fingal County Development Plan 2017-2023, which states:

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

The results and conclusions of the Daylight Assessment report, which are set out in section 8 of that report, confirm that living areas across the scheme demonstrate 100% compliance with the BRE daylighting levels. All of the amenity areas also meet the required daylighting and sun lighting levels. Furthermore, the report confirms that the development will not result in an adverse impact on neighbouring properties or amenities with all such areas receiving the levels required and as set out in the BRE Guide.

In light of the foregoing, Downey's submit that that this revised development has successfully addressed the third reason for refusal under ABP Ref. 309907-21 and the Board are invited to refer to Waterman-Moylan's report for further details.

3.0 SITE LOCATION AND DESCRIPTION

The lands at Auburn House extend to approximately 13.28 hectares and are located on the western side of the R107 Malahide Road/Dublin Road to the south of Malahide. The lands are bounded by the existing Abington Estate to the north and west, the R107 Malahide Road/Dublin Road and rear gardens to the east and undeveloped lands to the south. Access to the site is currently from the existing driveway to Auburn House, which is accessed off the R107 Malahide Road/Dublin Road.

Auburn House is an existing late 18th century, 5 bay three storey (including an attic storey) over basement dwelling located within a wooded demesne and is designated as a Protected Structure. Auburn House forms part of the ancient barony of Feltrim, the stronghold of the once wealthy Fagan family.

The surrounding land uses are generally residential, with Abington being on its northern and western boundary. The lands to the south of Auburn House at Clairville Lodge are a recently completed residential development proposal that was granted permission under Reg. Ref. F14A/0483; ABP Ref. PL06F.245240. Malahide Castle and Demesne is located on the opposite side of the R107 Malahide Road/Dublin Road and can be accessed via Back Road. Malahide village centre is located to the northeast of these lands. There is a Dublin Bus service that connects the city centre with Malahide that runs along the R107 Malahide Road/Dublin Road, and it is noted that there is a bus stop adjacent to the entrance to Auburn House.



Figure 5: Aerial Photograph of Application Site (Application Site outlined in red, Source: CCK Architects)

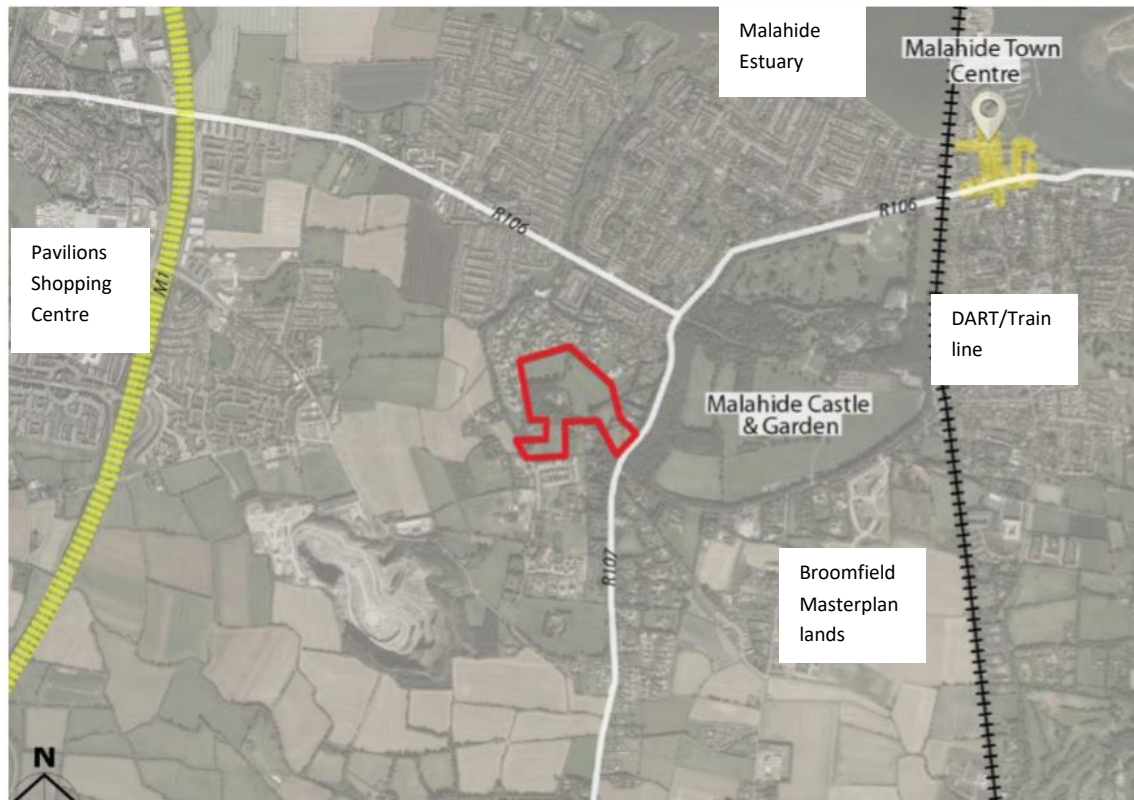


Figure 6: Aerial Photograph of Application Site in Wider Context of Malahide (Application Site outlined in red)

4.0 PLANNING HISTORY

Downey have carried out an examination of the planning history of the subject site using Fingal County Council online planning portal search, which has determined there has been a number of planning applications made on the overall landholding. The most relevant planning history is as follows:

- Reg. Ref SHD/005/21, ABP Ref. TA06F.309907:** By Order dated 15th July 2021 An Bord Pleanála refused planning permission for a Strategic Housing Development at Auburn House (a protected structure), Little Auburn and Streamstown off the R107 Malahide Road/Dublin Road and Carey's Lane (accesses via Streamstown Lane), Malahide, Co. Dublin. The proposed development included the demolition of 'Little Auburn' and associated outbuildings, construction of 411 no. residential units (102 no. houses including preservation of Auburn House and 309 no. apartments), childcare facilities and all other associated site works. This proposed Strategic Housing Development was refused for the following reasons; **Reason 1:** The proposed development was found to be contrary to Objectives CH20, CH21 and CH22 of the Fingal Development Plan 2017-2023, The Architectural Heritage Protection Guidelines for Planning Authorities and the Urban Development and Building Heights Guidelines for Planning Authorities – this was primarily due to the resulting removal of trees, the setting of the houses to the east of Auburn House resulting in the reduced openness of the historic landscape setting and the location of apartment block of up to 6 storeys in height to the north of Auburn House which was seen as an inappropriate scale in the setting of the Protected Structure.

Reason 2: The proposed development would result in the loss of a significant number of trees, tree groups and hedgerows on the site, adversely impacting the integrity of woodland and canopy coverage across the site, to the detriment of the sites special and historical characteristics. As a result, the proposed development is contrary to Local Objective 57, Objective PM64, Objective CH20, Objective CH21, Objective MALAHIDE 2 and Objective MALAHIDE 11 of the Fingal Development Plan 2017-2023. **Reason 3:** The proposed development failed to provide a comprehensive assessment of daylight and sunlight within the proposed development; and potential daylight, sunlight / overshadowing impact upon surrounding properties. Therefore, there is insufficient information to determine daylight, sunlight and overshadowing impacts as required under the Fingal County Development Plan 2017-2023 to be in accordance with the methodology in the BRE Site Layout Planning for Daylight and Sunlight: a guide to good practice.

The proposed Strategic Housing Development subject to this Supporting Planning Statement seeks to address these previous reasons for refusal. A full assessment of tree removal has been undertaken as part of this application, see the Arborist Report and Drawings, prepared by the Tree File as well as CGI's prepared by 3D Design Bureau. Furthermore, a comprehensive Woodland Management Plan has been prepared by Tree File which has been submitted under a separate cover letter in support of this application. There have also been key design changes which successfully address the developments setting within the natural and built heritage of the Auburn lands, including:

- The density of the development has been reduced from 411 no. dwellings previously proposed to now being a proposal of 368 no. new units.
- A reduction of approximately 25% in the number of trees proposed or required to be removed (please refer to the Arborist Report for details).
- The removal of Block 7 from the woodland.
- Moving apartment Block 3 in a westerly direction to preserve the historic tree/hedgerow.
- The reduction in height of apartment blocks 1-3 by a single storey, to ensure that they are not impacting on the visual setting of Auburn and are completely below the existing tree line.
- The removal of the top floor also removes the cladding material, which the Inspector had concern with on the previous application.
- Removal and reconfiguration of housing clusters in the front field, which protect the setting of Auburn House but also retain additional tree stands and hedgerows.
- The removal of the previous 'rain garden' attenuation area in the front field which preserves an existing historic hedgerow.
- Improved and updated Woodland Management Plan (prepared by The Tree File).
- The removal of the previously proposed community use building from the Walled Garden.
- Tree retention has been optimised by landscape design which maximises use of already open space allows for the retention "as is" of large areas of tree supporting ground.
- An updated Daylight Assessment has been prepared by Waterman Moylan Consulting Engineers, with the development meeting or exceeding the required standards.
- A Development Access Report has also been prepared by Downey Planning, in consultation with the wider design team, which assessed all access options to the site and proposed the most appropriate route.

Overall, the proposed site layout, building design and landscaping measures improve the developments relationship with the protected structure and existing natural heritage. Furthermore, a Daylight/Sunlight Assessment has been submitted as part of this application which shows that across the scheme, 100% of the spaces analysed demonstrate compliance with the BRE daylighting levels. Downey, respectfully submitted to the Board that the previous reasons for refusal have been addressed by this amended application.

- **Reg. Ref. F18A/0445** – By Order dated 25th January 2019, Fingal County Council granted planning permission to Mary McEvaddy for the conversion of service entrance off main driveway to serve as new eastern entrance to dwelling house, erection of new gate posts and automated gates, entrance forecourt, new entrance canopy to east elevation, alteration to existing entrance doorway on west elevation and associated external works at "Belmont" part of courtyard housing (formerly outhouses) in the grounds of Auburn House (a protected structure), Malahide, Co Dublin.
- **FS5/035/11** – By Order dated 26th January 2012, Fingal County Council decided that the erection of slatted cattle shed with straw bedded area (190.6 sq.m) yard was not exempted development.
- **Reg. Ref. F09A/0065** – By Order dated 29th July 2009, Fingal County Council granted planning permission to Mary & Ulick McEvaddy for Demolition of existing shed and construction of new stable structure containing stables, tack room, shed and associated site works to the stable yard of Auburn House (a Protected Structure).
- **Reg. Ref. F08A/0685** – By Order dated 8th December 2008, Fingal County Council refused planning permission to Mary & Ulick McEvaddy for the demolition of existing shed and construction of new stable structure containing office, stables, stores, tack room, tractor shed, and shower facility and associated site works to the stable yard of Auburn House (a protected structure).
- **Reg. Ref. F06A/1775** – By Order dated 31st January 2007, Fingal County Council granted permission to Ulick and Mary McEvaddy for alterations to plans approved under register reference: F06A/0230 for demolition of derelict hay barn and erection of a two-storey, five-bedroom house, biocycle treatment system and associated site works. Alterations consist of the revised layout to ground and first floor level at the northwest end of the building and consequent alterations to elevations and site works at the stable yard of Auburn House (a protected structure).
- **Reg. Ref. F06A/0230** – By Order dated 15th September 2006, Fingal County Council granted permission to Ulick & Mary McEvaddy for the demolition of derelict hay barn and erection of a two storey, five-bedroom house, biocycle treatment system and associated site works at the stable yard of Auburn House (a protected structure).
- **Reg. Ref. F02B/0376** – By Order dated 12th August 2002, Fingal County Council granted planning permission to Mr & Mrs Ulick McEvaddy for a Single storey extension to side of the Gate Lodge, Auburn House, Malahide, Co. Dublin.
- **Reg. Ref. F99B/0094** – By Order dated 26th April 1999, Fingal County Council granted planning permission to Mr. & Mrs. U. McEvaddy for alterations and extension to gate lodge dwelling Auburn House, Malahide, Co. Dublin.

- **Reg. Ref. F96B/0484** – By Order dated 3rd December 1966, Fingal County Council granted permission to Mr. & Mrs. U. McEvaddy for a conservatory extension to rear of Auburn House, Malahide Road, Co. Dublin.
- **Reg. Ref. F96A/0011** – By Order dated 29th February 1996, Fingal County Council granted planning permission to Peter & Patricia McCarthy to alter, extend and convert 2 no. existing stable buildings to 2 no. 2 storey houses within the walled gardens at Auburn House, Malahide Road, Malahide.
- **Reg. Ref. F95A/0460** – By Order dated 31st October 1995, Fingal County Council refused permission to Peter, Maura, Patricia & Eithne McCarthy for 4 new 2 storey houses within the walled gardens at Auburn House, Malahide Road. Downey Planning notes that a first party appeal was submitted to An Bord Pleanála and the Board upheld the decision of the Planning Authority.

Downey Planning understand that this represents the full extent of the planning history pertaining to the subject site.

5.0 PRE-APPLICATION CONSULTATION

5.1 Pre-Application Consultation with Fingal County Council

5.1.1 Formal Section 247 Pre-Planning Consultation

The formal Section 247 Pre-Application Consultation with the Planning Authority required under the Planning and Development (Housing) and Residential Tenancies Act 2016 took place on 24th August 2021 on Microsoft Teams.

Those in attendance from Fingal County Council at the formal meeting on 24th August 2021 consisted of Sean Walsh (Senior Executive Planner), Kathy Tuck (Area Planner), Niall Thornton (FCC), Mark Finnegan (FCC), Helena Bergin (FCC), Laura (FCC), Fionnuala May (FCC), John Downey (Downey Planning), Donal Duffy (Downey Planning), Andy Worsnopp (The Tree File), David Averill (Sheehan Barry Architects), Peter Cuthbert, Jim Kenny (Hatley Homes), Maire Gray (CCK Architects), Michael Crowe (CCK Architects), Dan Egan (TBS), Mark Duignan (Waterman Moylan).

The design team had reviewed the previous decision of the Board and also the Council's Report on that application and made a number of design changes for the consultation. These included the omission of the front cluster of houses from the Front Field, the removal of Block 7 from the Woodland and an initial review of the access options from the R107 as well as removing the proposed community building from the Walled Garden.

This consultation meeting helped to inform the design of the proposed development now being submitted to the Board. The site layout plan submitted as part of this 247 Pre-Application Consultation with the Planning Authority is presented in Fig. 3 below:



Figure 7: The Site Layout Plan presented to the Planning Authority as part of the 247 Pre-Application Consultation meeting

The feedback from consultation resulted in the design team giving further due consideration to the design of the proposed development, links and permeability across the site, the reuse and restoration of Auburn House, woodland and tree protection, open space provision, screening, drainage, roads, etc. This ultimately helped to inform the design evolution of the proposed development and revisions.

5.2 Part V Engagement

Part V of the Planning and Development Act, 2000 (as amended) applies to the proposed development. In order to reach an agreement regarding compliance with Section 96 of Part V of the Planning and Development Act, 2000 (as amended), Donal Duffy of Downey Planning liaised with Marina Rennicks of the Housing Department of Fingal County Council on 4th March 2021 regarding the proposed development.

The Housing Department of Fingal County Council were informed of the proposed development consisting of 368 no. new housing units which would generate a requirement for 37 no. residential units for Part V Social and Affordable Housing, i.e., 10% of the overall units proposed. The rate of 10% is applicable in this instance as the applicant purchased the lands during the transitional period between 1st September 2015 and 31st July 2022 and thus prior to the Affordable Housing Act, 2021 coming into effect. The 37 no. units designated for Part V, i.e., 10 % of the overall units proposed, have been identified on the architectural drawings and detailed schedule of accommodation (Housing Quality Assessment) prepared by CCK Architects. These units are identified in the enclosed Drawing No. 1902 P 040 titled 'Site Plan – Part V Layout' prepared by CCK Architects. An extract of 'Site Plan – Part V Layout' is shown in Figure 8 below:



Figure 8: 'Site Plan – Part V Layout (Source CCK Architects)

In accordance with the Council's requirements, indicative costings are enclosed as part of this planning application. A validation letter from the Housing Department of Fingal County Council is also enclosed with this planning application. Thus, it is considered that the proposal meets the requirements of Part V of the Planning and Development Act, 2000 (as amended).

5.3 Pre-Application Consultation with An Bord Pleanála

Following consultation with Fingal County Council under Section 247 of the Planning and Development Act, 2000 (as amended), a request to enter into pre-application consultation with An Bord Pleanála was submitted on 2nd November 2021, with An Bord Pleanála subsequently accepting the Section 5 pre-application consultation request in January 2022. The pre-application consultation meeting was then held remotely via Microsoft Teams on 25th January 2022. This meeting included representatives from An Bord Pleanála, Fingal County Council, the applicant, and their design team.

The site layout plan submitted as part of this 247 Pre-Application Consultation with An Bord Pleanála is presented in Fig. 9 below:



Figure 9: The Site Layout Plan presented to the An Bord Pleanála as part of the 247 Pre-Application Consultation Request (c. 25th January 2022)

In February 2022, An Bord Pleanála issued the notice of pre-application consultation opinion for the proposed development, under case reference ABP-311843-21. Having regard to the above, the opinion states that An Bord Pleanála *“has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.”*

The opinion further states that, “An Bord Pleanála considers that the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development.”

The Board’s opinion letter further states 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,” which is summarised as follows:

- 1) *Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following in the documents submitted:*
 - i) *Provide further justification in relation to Boards previous reason for refusal (ABP Ref. 309907-21). In this regard, the chosen location for the new entrance along the Malahide Road (R107), shall include a full assessment of all tree removal in conjunction with additional CGIs/visualisations as further justification for the overall*

design and layout, having regard to the impact on the sylvian character of the surrounding area.

ii) An updated Sunlight/Daylight/Overshadowing analysis including all relevant plans/documentation showing an acceptable level of residential amenity for existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.

- 2) *A Community Audit of the surrounding area.*
- 3) *A Taking in Charge Map.*
- 4) *Submission of an updated landscaping plan including the treatment of existing trees and woodland on the site, to include maps and drawings providing clarity regarding:*

i) Trees to be retained and / or removed and the condition of such trees.

ii) The rationale for removal – i.e., whether due to condition or development impacts.

iii) 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.

- 5) *The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.*

For the detailed response to this opinion and to source the requested information within the application documentation, please refer to the 'Statement of Response to An Bord Pleanála's Pre-Application Consultation Opinion' prepared by Downey Planning.

At this juncture, it is also important to note that this application now being submitted for a proposed Strategic Housing Development at Malahide is the result of further pre-application consultation between the relevant design team consultants and the Water Services and Roads Department of Fingal County Council following receipt of the Board's Pre-Application Consultation Opinion, prior to the formal lodgement of the application.

6.0 DESCRIPTION AND MERITS OF THE PROPOSED DEVELOPMENT

Description of Development

The proposed development, as per the description contained within the statutory planning notices, provides for:

"We, Kinwest Limited, intend to apply to An Bord Pleanála for permission for a strategic housing development on lands at Auburn House (Protected Structure), Little

Auburn and Streamstown off the R107 Malahide Road/Dublin Road and Carey's Lane (accessed via Streamstown Lane), Malahide, Co. Dublin. The lands are generally bound by the R107 road to the east, 'Beech Lodge' to the south, Clairville Lodge to the south (off Carey's Lane), by dwellings known as 'The Coop', 'Halstead' and 'Rockport House' to the southwest (off Carey's Lane) and Abington to the west, north and northeast.

The proposed development will consist of the preservation and protection of the existing Protected Structure of Auburn House and its stables as 1 no. residential dwelling; the conversion of the existing stables of Auburn House to provide for storage space for the main Auburn House and the construction of 368 no. new residential dwelling units (comprising 87 no. houses, 239 no. apartments & 42 no. duplex units) for an overall total of 369 no. residential units, including Auburn House. The development shall consist of 135 no. 1-bedroom apartments and duplex apartments, 138 no. 2-bedroom apartments and duplex apartments, 8 no. 3-bedroom apartments and duplex apartments, 47 no. 3-bedroom houses, 34 no. 4-bedroom houses, 6 no. 5-bedroom houses and the existing 11-bedroom Auburn House along with 1 no. childcare facility and 1 no. ancillary resident facility. The proposed development shall also provide landscaped public open space, car parking and all associated ancillary site development infrastructure including foul and surface water drainage, internal roads, cycle paths and footpaths, and boundary walls and fences. Vehicular access to the proposed development is to be via a new entrance at the R107 Malahide Road/Dublin Road entrance, with the existing entrance to Auburn House acting as a pedestrian/cyclist entrance and access to existing properties outside the application site, there will be a secondary entrance comprising modifications of the existing vehicular entrance off Carey's Lane to the south west of the development, the closure of the existing vehicular entrance to Little Auburn, the provision of 4 no. ESB substations, 1 no. new foul pumping station, public lighting; proposed foul sewer works along Back Road and Kinsealy Lane and all associated engineering and site works necessary to facilitate the development. The building heights range from 2 storey to 5 storey buildings with balconies or terraces being provided to the apartments and duplex units.

The proposed development will comprise of:

- 1) The preservation of the existing three storey 11-bedroom residential dwelling of Auburn House (Protected Structure). The main house is to remain in single residential use (i.e., 1 no. 11 bedroom, three storey over basement detached dwelling).*
- 2) The conversion of the existing stables to the rear of Auburn House for storage use associated with Auburn House.*
- 3) Internal and external alterations to the stables of the Protected Structure including minor demolition works are proposed to accommodate same.*
- 4) The preservation and protection of the existing woodland of Auburn House.*
- 5) The preservation of existing follies and walls associated with the 'walled garden' with amendments to the garden proposed to accommodate the proposed development.*

- 6) *The demolition of the modern bungalow dwelling known as 'Little Auburn' and associated outbuildings.*
- 7) *The demolition of detached stable/shed building off Streamstown Lane.*
- 8) *The construction of 87 no. residential houses (47 no. three bed units, 34 no. four bed units and 6 no. 5 bed units) in detached, semi-detached and terraced dwellings ranging from 2, 2.5 and 3 storey in height.*
- 9) *The construction of 239 no. apartments/duplex apartments (135 no. 1-bedroom units, 138 no. 2-bedroom units, 8 no. 3-bedroom units) all provided with balconies/terraces as follows:*
 - (a) *Apartment Block 1 consisting of a total of 46 no. units in a 4-storey block (26 no. 1 bedroom units and 20 no. 2 bedroom units).*
 - (b) *Apartment Block 2 consisting of a total of 49 no. units in a 5-storey block (26 no. 1 bedroom units; 21 no. 2 bedroom units; 2 no. 3 bedroom units).*
 - (c) *Apartment Block 3 consisting of a total of 42 no. units in a 4-storey block (22 no. 1 bedroom units and 20 no. 2 bedroom units).*
 - (d) *Apartment Block 4 consisting of a total of 28 no. units in a 4-storey block (10 no. 1 bedroom units; 17 no. 2 bedroom units; 1 no. 3 bedroom units) along with childcare facility, ancillary resident amenity facilities, plant, waste storage, ESB substation, car parking and bicycle parking at ground floor/undercroft level.*
 - (e) *Apartment Block 5 consisting of a total of 28 no. units in a 5-storey block (6 no. 1 bedroom units and 22 no. 2 bedroom units) along with plant, waste storage, car parking and bicycle parking at ground floor/undercroft level.*
 - (f) *Apartment Block 6 consisting of a total of 21 no. units in a 4-storey block (5 no. 1 bedroom units; 14 no. 2 bedroom units; 2 no. 3 bedroom units) along with plant, bin store, bicycle parking and maintenance/cleaner's stores at ground floor level.*
 - (g) *Apartment Block 7 consisting of a total of 25 no. units in a 5-storey block (14 no. 1 bedroom units; 10 no. 2 bedroom units; 1 no. 3 bedroom unit) along with bin store, plant, cleaning store and bicycle parking at ground floor level.*
 - (h) *Duplex Apartment Block 1 consisting of a total of 6 no. units in a 3-storey block (1 no. 1 bedroom units; 3 no. 2 bedroom units; 2 no. 3 bedroom units) along with bin store at ground floor level.*
 - (i) *Duplex Apartment Block 2A consisting of a total of 8 no. units in a 3-storey block (6 no. 1 bedroom units; 2 no. 2 bedroom units) along with bin store and car and bicycle parking at ground floor/undercroft level.*
 - (j) *Duplex Apartment Block 2B consisting of a total of 11 no. units in a 3-storey block (8 no. 1 bedroom units; 3 no. 2 bedroom units) along with bin store and bicycle and car parking at ground floor/undercroft level.*
 - (k) *Duplex Apartment Block 2C consisting of a total of 9 no. units in a 3-storey block (7 no. 1 bedroom units; 2 no. 2 bedroom units) along with bin store and bicycle and car parking at ground floor/undercroft level.*
 - (l) *Duplex Apartment Block 2D consisting of a total of 8 no. units in a 3-storey block (4 no. 1 bedroom units; 4 no. 2 bedroom units) along with bin store and bicycle parking at ground floor/undercroft level.*
- 10) *The provision of 1 no. childcare facility and 1 no. residential amenity facility (located within the ground floor of apartment Block 4).*
- 11) *Single level basement below Apartment Blocks 1, 2 & 3 comprising car parking (153 no. spaces), bicycle parking (270 no. spaces), refuse storage, plant rooms, comms room, maintenance room, water storage tanks and services; and 97 no. car parking spaces and 182 no. bicycle parking spaces at undercroft level to Apartment Blocks 4*

&5 and Duplex Blocks 2A, 2B, 2C & 2D. A total of 500 no. residential car parking spaces shall be provided across surface, undercroft/podium and basement level, and 5 no. drop-off car parking spaces serving the childcare facility, providing an overall total of 505 no. car parking spaces and a total of 692 no. bicycle parking spaces across surface, undercroft/podium and basement level.

12) The construction of 1 no. new vehicular entrance off the R107 Malahide Road (providing for a new signalised junction with Back Road and Malahide Road) and adaption of the existing vehicular entrance off Carey's Lane.

13) Utilisation of existing Auburn House vehicular entrance access and road for pedestrian and cycle route only with vehicular access retained solely for existing residential use.

14) Closing of the existing vehicular entrance at the R107 Malahide Road serving Little Auburn.

15) Landscaping including provision of public, communal and private open spaces, playspaces and boundary treatments.

16) 4 no. ESB substations, 1 no. new foul pumping station, public lighting; proposed foul sewer works along Back Road and Kinsealy Lane and all associated engineering and site works necessary to facilitate the development."

The key characteristics of the proposed development are set out below for the convenience of the Board:

Table 1: Key Characteristics of the Development

Site Area	13.28 Ha
Development Area (Net)	9.603 Ha
No. of residential units (including Auburn House)	369
Houses	87
Apartments	239
Duplex Apartments	42
Auburn House	1
Apartments & Duplex Apartments	
1 Bedroom units	135 (48.04%)
2 Bedroom units	138 (49.11%)
3 Bedroom units	8 (2.85%)
No. of dual aspect units	160 (59.94%)
Houses (including Auburn House)	
3 Beds	47 (53.4%)
4 Beds	34 (38.6%)
5 beds	6 (6.8%)
11 beds (Auburn House)	1 (1.1%)
Gross Floor Area (excluding car parking & plant)	32,587 sq.m.
Density (Net)	38.32/Ha
Plot Ratio	0.23
Site Coverage	14.9%
Creche floor area (m2)	196 sq.m.

Building heights	2-5 storeys
Car parking spaces	505
Bicycle parking spaces	692
Residential Amenities	154 sq.m.
Communal Open Space	6,167 sq.m
Public Open Space	2.846 Ha (21.5%)

Form and Layout

The design response for the lands at Auburn aims to create a unique residential development that successfully responds to the distinct character of Auburn House and adjoining lands, which is defined by mature woodland and a late 18th century grand house, outbuildings & walled garden. The site layout, landscape measures and transport routes throughout the site have been carefully considered by a multi-disciplinary team in order to protect the existing landscape character – particularly in relation to the woodland. Careful design considerations include:

- Retention of existing woodlands and trees as a priority.
- Sensitive approach to the design and planting of the open spaces, boundaries and management of the woodland areas, tree belts and hedgerows.
- Protection of the unique character and setting of Auburn House.
- Usable spaces with varying character, dynamics and emphasis, without detracting from the setting and character of Auburn House.

The Board are invited to refer to the Landscape Design Rational prepared by TBS Landscape Architects, as well as the Arborist Report & Woodland Management Plan for details on the comprehensive woodland retention strategy for the proposed development.



Figure 10: Landscape Masterplan; maximises use of already existing open space and focuses on woodland retention

Legibility and wayfinding throughout the site have been carefully considered, a road/street hierarchy has been developed throughout the subject lands to reinforce the character areas and to encourage appropriate traffic speeds for cycling and pedestrians. The site layout identifies a meandering north-south road designed to encourage cycle/pedestrian accessibility to the proposed buildings and spaces within the estate lands. New pedestrian links are provided for residents within the site which wind their way through existing woodland, across streams and adjacent to old walls and orchard planting in the case of the walled garden. This will create a distinctive character to the site when it can be explored in different ways on foot by its residents. Desire lines through the trees can be followed rather than having to take the footpath adjacent to the road. There are also a number of pedestrian and cyclist friendly “home zone areas” within the site to reduce the dominance of motor vehicles. The design also aims to promote pedestrian links from outside the development by allowing access via the existing gates from the private laneway at the southwest corner of the woodland which would provide a more direct cycle and pedestrian route to Malahide Demesne to the southeast. The Board are invited to refer to the Urban Design Statement prepared by CCK for further details.

Open Space, public spaces & character areas

There is a range of communal open space areas provided throughout the application site, which shall provide for a total of 6,167 sq.m. of communal open space (1,709 sq.m. required under the Development Plan standards). These are coloured red in Figure 11 below. A total of 5.3 hectares of public open space (2.25 hectares of public open space discounting attenuation areas) is also being provided, which exceeds the 1.87 hectares required under Objective DMS 28 of the Development Plan.

There is a total of 5 no. communal open space courtyards provided throughout the scheme with a total area of 6,167 sq.m. of communal open space, which exceeds the minimum required set out in the Development Plan (the minimum required is 1,709 sq.m for the proposed scheme). The proposed amenity spaces also benefit from passive surveillance from the proposed residential units and are carefully screened to permit visual transparency between the buildings while maintaining security for residents. Landscape design will play an important role in marrying the external amenity spaces together, and creating visual continuity between sites A and B, and between the accommodation blocks which form the development on both sites.

Public Open Space Summary

Gross Site Area = 13.28Ha
 Net Site Area = 9.6025Ha (excludes Woodland and existing Avenue)
 10% of Net Site Area = 0.96025Ha (minimum required - Objective DMS57A)

Objective DMS57 - 2.5Ha Public Open Space required per 1000 population
 No. of persons on site per Fingal County Development Plan DMS57 calculation = 748
 Therefore Total Public Open Space Required = 1.87 Ha

Total Proposed Public Open Space = 2.846Ha (2.252 discounting front field attenuation)
 (Per Fingal County Development Plan Standards)

Note: The site has 40.07% overall open space available to residents, although much of the space, which offers the highest quality landscape experience and ecological value, is not included in the formal development plan calculations for open space (Based on gross site area of 13.28Ha).

Public Open Space

Public Open Space: 2.846Ha
 21.4% of Gross Site Area
 29.8% of Net Site Area
 Net Site Area: 9.6025Ha

Planning Application Red Line

Communal Amenity Space

	Required (m ²)	Proposed (m ²)
Apartment Blocks 1-3	815	2441
Apartment Blocks 4&5	560	2670
Duplex Block 2A, 2B, 2C, & 2D		
Apartment Block 6	141	209
Apartment Block 7	149	216
Duplex Block 1	44	381
TOTAL	1709	6167

Public Open Space (Ha)

	Area (Ha)
Front Field	1.1449
East of Front Field	0.0398
Little Auburn	0.206
Walled Garden	0.410
North of walled garden	0.1338
North of woodland	0.130
Back Field Pocket Park	0.0848
Block 3 Pocket Park	0.197
Total	2.8463

Public Open Space Discounting Attenuation (Ha)

	Area (Ha)
Front Field	0.7548
East of Front Field	0.0362
Little Auburn	0.1657
Walled Garden	0.410
North of walled garden	0.1338
North of woodland	0.130
Back Field Pocket Park	0.0848
Block 3 Pocket Park	0.197
Total	2.2523

Communal Amenity Space

	Area (m ²)	Area (Ha)
1.395Ha* Woodland	13950	1.395
1.1449Ha Small Park	11449	1.1449
0.5398Ha Small Park	5398	0.5398
0.139Ha* Avenue Greenway	1390	0.139
0.1338Ha Pocket Park	1338	0.1338
259m ² Communal Amenity	259	0.0259
Walled Garden 0.41Ha	410	0.41
216m ² Communal Amenity	216	0.0216
581m ² Communal Amenity	581	0.0581
0.545Ha* Avenue Greenway	5450	0.545
0.206Ha Small Park	2060	0.206
0.397Ha* Tree Line	3970	0.397

Legend

- 1. Woodland (excludes)
- 2. Woodland (excludes)
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Site Information

Site Layout
 Public Open Space
 Development at
 65 Merrion Square
 Dublin 2
 Kinwest Limited
 Dublin SHD 2
 Planning
 CONROY CROWE KELLY
 ARCHITECTS
 65 MERRION SQUARE
 DUBLIN 2

Scale

0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390 400 410 420 430 440 450 460 470 480 490 500 510 520 530 540 550 560 570 580 590 600 610 620 630 640 650 660 670 680 690 700 710 720 730 740 750 760 770 780 790 800 810 820 830 840 850 860 870 880 890 900 910 920 930 940 950 960 970 980 990 1000 1010 1020 1030 1040 1050 1060 1070 1080 1090 1100 1110 1120 1130 1140 1150 1160 1170 1180 1190 1200 1210 1220 123

The proposed residential scheme provides for five different character areas: (1) The Avenue, (2) The Frontfield, (3) The Backfield, (4) The Woodland and (5) Streamstown Character Area (see Figure 12). In order to provide effective circulation within the scheme, a generous pedestrian realm has been designed for the core areas. The perimeter boundaries are limited to existing boundaries, which will

be augmented where required. In order to create a highly legible and therefore self-regulating environment, signage and barriers will be kept to a minimum, thereby reducing physically intrusive measures, enhancing pedestrian and cyclist movement, and creating a more attractive public realm.

The landscape character areas are described as follows:

1. The Avenue – The mature tree lined road to Malahide, formed by the woodland within Malahide Demesne and in part by the tree belt along the subject land's south-eastern boundary, is a distinguishing feature of the approach to Malahide and contributes to the local character and landscape setting. It is intended that the trees located along the southeastern boundary will be retained. The trees highlighted in the arboricultural report and survey which are in such poor health/state of decline that it necessitates their removal. This tree belt will be further reinforced with additional mature tree planting where appropriate. The retention of these trees is crucial to protecting the landscape setting of the subject site and to assist in screening the proposed development from R107 Malahide Road/Dublin Road.
2. The Frontfield – The front field, located to the east of Auburn House, was likely designed to create an open, pastoral vista towards Malahide Demesne. The proposed central space will provide a quality recreational area and will also form part of an attractive pedestrian route around the estate lands which will be overlooked from the north and south by housing units. The planting approach within this space, is to reinforce and maintain the existing vista, create visual interest and to create a sense of place, resulting in restful and inviting spaces to encourage use by future residents. The revised design has omitted Block 7 from this area and landscape proposals have taken an "as is" approach by adopting the existing open space, which also promotes existing tree retention.
3. The Backfield – The proposed treatment to the rear of the dwellings within this part of the site includes a set-back boundary to extend the distance of the proposed development to the existing trees and hedgerows.
4. The Woodland – The existing pathways through the woodland will be maintained and redressed for pedestrian use, providing an attractive pedestrian route around the estate. Where openings occur within the canopy, consideration will be given to providing exercise equipment immediately adjacent to the pathway. The Woodland Management Plan prepared by the arborist, will provide guidance and a strategy by which the site's existing and future tree population and woodland areas can be managed, maintained, restored, and improved in a sustainable manner to accommodate the requirements of the planning authority and all stakeholders.
5. Streamstown – The walled gardens were a common feature of the historic stately houses of the past and were once known as the 'kitchen garden' as vegetable and fruit trees were grown to keep the family kitchen well stocked. Auburn was no exception and historical mapping identifies an orchard within the walled garden. The walled garden remains largely intact, although the majority of the original space is not included within the subject application. The intention is to retain the large specimen London Plane located in the north-eastern corner of the walled garden. The re-generated scrub material will be removed to allow for the re-planting of new orchard trees to re-create the original design intent. The existing openings through to the adjacent garden will be respected and marked with pathways although they

will not extend fully to the existing accesses. The small pet cemetery with the two headstones within the garden will be retained.



Figure 12: Character Areas (Source CCK Architects)

The design approach for the public realm within the subject lands is to produce a coherent and well considered design theme with a strong identity and distinctive sense of place that fosters a connection and attachment between existing and new residents and their surrounding environment. This will be achieved by creating a legible environment for people to live within and move through by using a hierarchy of spaces and streets which will have definable characters and uses.

The public spaces incorporate a spectrum of uses and features including natural play zones, passive recreation areas, seating areas and walking/running trails. The site includes a series of primary and ancillary public spaces of varying scale and character that are programmed to provide a range of uses and respond to the surrounding natural and built environment.

The apartment blocks overlook significant communal amenity spaces (including over podium slab) for use by the residents that includes native tree planting, ground modelling and shrub and lawn area for passive recreation. Natural play facilities/elements will also be provided within these spaces. Overall, the proposed development will form a distinctive residential neighbourhood and is of a density and character that assimilates to its location within the development boundary of Malahide. The units are suitable for all family and age demographics and are designed such that there is adequate space and generously sized private open space available within the development. In addition, the proposed development will be sensitively integrated with the existing residential development in the immediate

area, noting the separation distances proposed, appropriate screening provided, and indeed the orientation of the units.

It is submitted that the Landscape Masterplan for the proposed residential scheme is in accordance with the pertaining policies and standards regarding landscape and open space. For further information in this regard, please refer to the enclosed landscaping plans and associated detailed proposals prepared by TBS Landscape Architects, the enclosed Statement of Consistency prepared by Downey Planning, and the Architect and Urban Designer's Statement prepared by CCK Architects.

Building Heights

The height of the proposed development will range from 2 storeys to 5 storeys, with the variation in height being supported by the variation in housing types and the different character areas. The design team have also utilised the existing characteristics of the site to determine the appropriate buildings heights and form – which respects the existing built heritage within the land as well as surrounding existing residential amenities. The heights being proposed are consistent with national planning guidelines, particularly the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018) and the Landscape and Visual Impact Assessment, prepared by TBS Landscape Architects, confirms that the proposed development will not result in a significant negative visual impact on the existing environment. The height of the buildings would contravene the proposed standards for a masterplan for these lands as set out in Objective Malahide 11 of the Development Plan and this is discussed within the Material Contravention Statement.

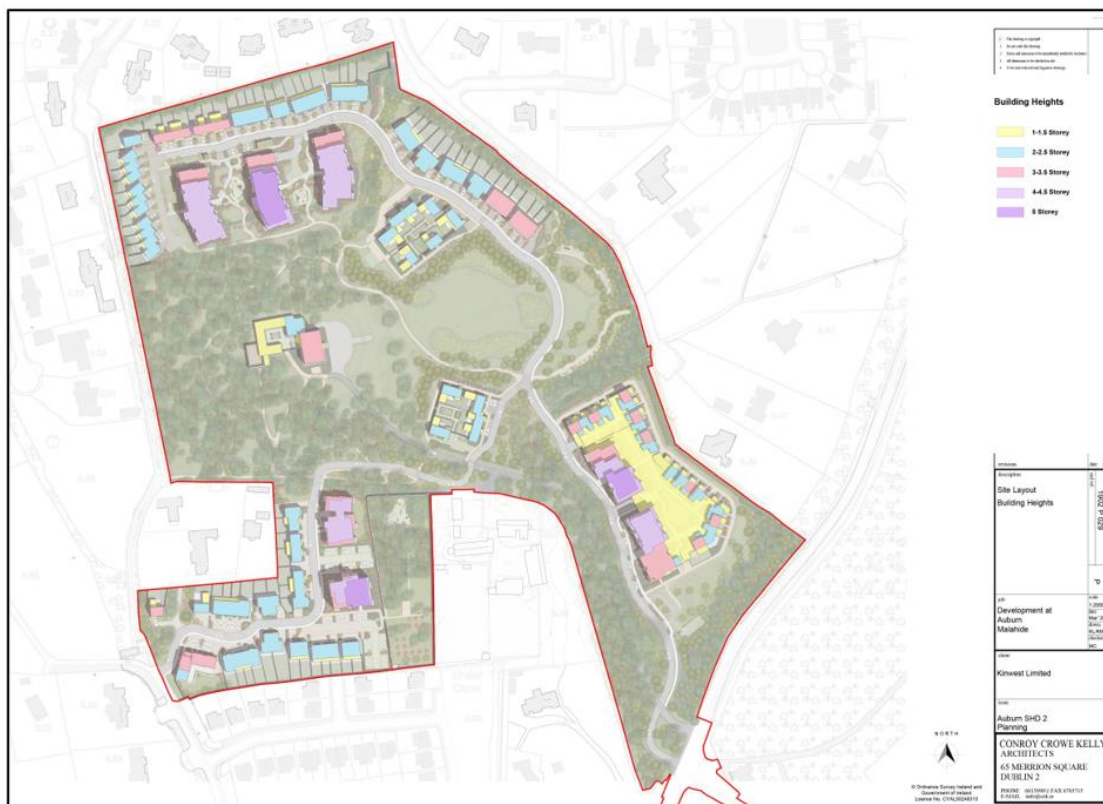


Figure 13: Building Heights (Source: CCK Architects)

Density

The design proposal has taken cognisance of the guidelines for ‘Sustainable Residential Development in Urban Areas’ which encourages higher densities on lands Outer Suburban / Greenfield Site. The guidelines support increased residential densities particularly for sites located in ‘Outer Suburban / Greenfield’ sites, particularly for such sites on the periphery of cities or larger towns as it states that efficiency in land usage will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare.

The proposed development of 368 no. residential units provides for a net density of c.38 dwellings per hectare (the net developable area is 9.603 hectares when the areas of Auburn House, woodland and existing entrance avenue have been omitted), which is considered appropriate for this location and the overall sensitivities associated with the site itself, including protected structures, woodlands, and objectives.

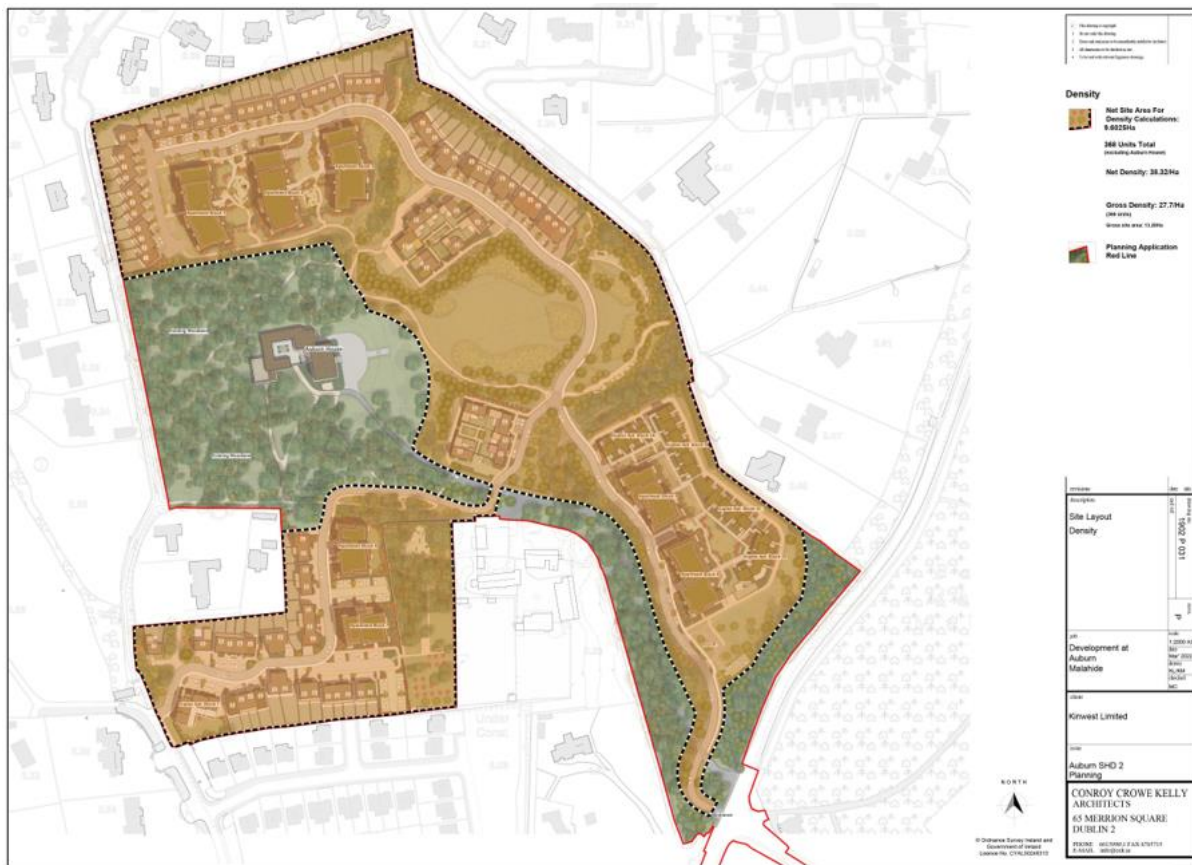


Figure 14: Net Density Map (Source: CCK Architects)

The proposed development fully complies with the objectives of the Guidelines for Planning Authorities on ‘Sustainable Residential Development in Urban Areas’. The Guidelines note that “spatial planning has a fundamental role in promoting more sustainable travel patterns and helping to reverse recent trends which have seen a decreasing share of people travelling to work by bus or bicycle or on foot. Good pedestrian and cycle facilities within residential areas (can facilitate higher levels of physical activity among young people, particularly in relation to school trips, where perceptions about traffic safety among parents and children are a key factor. Higher residential

densities within walking distance of public transport facilities can help to sustain the economic viability of such transport.

The subject site is located on appropriately zoned lands to the southwest of Malahide. The site is contiguous to existing residential developments at Abington and Auburn Grove to the north, and Clairville Lodge and Streamstown Wood to the south of the site. The proposed development at Auburn House is located in a highly accessible location within the development boundary of Malahide. The application site is also located within walking distance of a Dublin Bus stop located along the R107 Malahide Road/Dublin Road to the southeast of the application site and is located within 2km of Malahide train station. In light of this, the zoning and future development of the subject site is in accordance with these Guidelines. In light of the objectives and constraints associated with the development site, the density proposed represents an optimum design solution and an efficient use of the site. Thus, there are considerable transportation modes available for future residents of the Auburn lands given its strategic location within Malahide.

Please refer to the Urban Design Statement and Housing Quality Assessment prepared by CCK Architects and the Statement of Consistency with Planning Policy report and the Material Contravention Statement both of which have been prepared by Downey for compliance in this regard.

Unit Mix

It is proposed to provide 135 no. 1 bedroom units, 138 no. 2 bedroom units, 55 no. 3 bedroom units, 34 no. 4 bedroom units and 6 no. 5 bed units across a mix of one, two and three bed apartments, three, four and five bed houses, one, two and three bed duplex units providing for a mix of units. All houses and apartment units have been designed in accordance with the pertaining Development Plan standards and 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines complying with or exceeding the minimum standards. It is submitted that most of the proposed residential units exceed the minimum standards by at least 10% as per the aforementioned Guidelines. The proposed apartments have been designed to maximise opportunities for dual aspect units, which make up the majority of the units. Units that have single aspect generally overlook the central courtyard or communal open spaces.

Each apartment unit within the proposed development has been provided with adequately sized balconies or patios/terraces which have been designed in accordance with quantitative and qualitative standards. Those units at ground floor level have been provided with appropriate boundary treatments to ensure privacy and security whilst also providing visual interest and distinction between spaces. Please refer to the enclosed Housing Quality Assessment and the Schedule of Accommodation prepared by CCK Architects which sets out the private and communal open space provided as part of the development proposal.

Table 2: Proposed Unit Mix

No. of residential units	368 (369 including the existing Auburn House)
Houses	87
Apartments	239
Duplex Apartments	42

Auburn House	1
Apartments & Duplex Units	
1 Bedroom	135 (48.04%)
2 Bedroom	138 (49.11%)
3 Bedroom	8 (2.85%)
No. of dual aspect units	160 (56.94%)
Houses (includes Auburn House)	
3 Bedroom	47 (53.4%)
4 Bedroom	34 (38.6%)
5 Bedroom	6 (6.8%)
11 Bedroom	1 (1.1%)

Car & Bicycle Parking

The proposed development provides for a total of 505 no. car parking spaces and a total of 692 no. bicycle spaces, in high quality, safe and accessible locations throughout the scheme.

It is proposed to provide a total of 497 no. residential car parking spaces across surface, undercroft/podium and basement level, and 8 no. car parking spaces serving the childcare facility as part of the overall development. In this regard it is submitted that a reduction in car parking spaces is justified in this instance, in particular given that the subject site is strategically located within cycling and walking distance of the Malahide DART station and is serviced by a frequent bus service serving the R107 Malahide Road/Dublin Road. While the provision of car parking is slightly below the requirement of Table 12.8 of the Fingal Development Plan, it is in accordance with the requirements of the Apartment Guidelines. This is further justified in the Material Contravention Statement and also the Traffic Assessment and Travel Plan, prepared by Waterman Moylan Consulting Engineers.

The proposed development provides considerable secure, covered bicycle parking for the apartment and duplex units as part of the development proposal. A single level basement car park is also proposed for apartment blocks 1, 2 and 3 and will accommodate 346 no. bicycle parking spaces all of which are directly accessible from the public road and in a secure location and is therefore in accordance with the pertaining standards. The overall number of bicycle parking spaces is 692.

Please refer to the enclosed Traffic and Transport Assessment, DMURS Statement and Travel Plan, prepared by Waterman Moylan Consulting Engineers for further details on the proposed car parking and bicycle parking to serve the proposed development and the Statement of Consistency with Planning Policy report and the Material Contravention Statement both of which have been prepared by Downey for further information in this regard.

Transport & Mobility

The proposed development has been designed by a multi-disciplinary team, including architects and masterplanners, landscape architects, transport planners, town planners and engineers. The result of this is the creation of a highly accessible scheme that promotes sustainable forms of transport rather

than place an over-reliance on the private car. As part of the proposed development, Waterman Moylan Consulting Engineers has carried out a Traffic Assessment that has concluded that:

All junctions were reassessed as part of the Stress Test and the results indicated that all junctions would continue to operate within satisfactory capacity for the future assessment year of 2041 during both peak hours. Therefore, it can be concluded that there is sufficient capacity in the surrounding road network to facilitate the proposed development.

Furthermore, the site will be accessible from 2 sides for pedestrians and cyclists with vehicular access being from the R107 Malahide Road/Dublin Road, where the existing access to the lands are provided and the adaption of the existing vehicular entrance off Carey's Lane to the southwest of the development.

Car sharing facilities will be facilitated within the lands as the team have been in contact with GoCar who are supportive of the scheme and have advised that they will establish bases within the development at a later date (letter from Go Car is included within Waterman Moylan's Reports). This will help to reduce the demand for private car trips and parking and is in line with sustainable transport. A Residential Travel Plan, including parking management strategy (section 6 of the report) has also been prepared by Waterman Moylan Consulting Engineers and is included as part of the planning application. A DMURS Compliance Statement has also been prepared by Waterman Moylan Consulting Engineers.

Through walks and accessibility is also available from Carey's Lane in the southwest through the Streamstown Character Area into Auburn and through The Avenue Character Area to the public transport connections at the R107 on the southeast.

For more details, the Board are invited to review the reports prepared by Waterman Moylan Consulting Engineers and accompanying drawings prepared by Waterman Moylan Consulting Engineers.

Vehicular Access

Due consideration has been given to selecting an appropriate location for vehicular access to the proposed development site. A Development Access Report has been prepared by Downey and submitted under a separate cover-letter in support of this application, on the foot of An Bord Pleanála's Notice of Opinion to the applicant following Pre-Application Consultation. Furthermore, it was specifically prepared have regard to the comments from the Inspector and Board in their assessment of the previous application at the site (ABP Ref. 309907-21) and their refusal for same and in response to Item No. 1 of the Board's Notice of Opinion to the applicant concluding the Pre-Application Consultation stage of this current application. In this regard, the Inspector on the previous application stated:

"In my view, the new entrance as currently proposed is not the best solution for this site, and greater care, should in my view, be taken to minimise all tree removal along this important edge of the site. The applicant has not clearly explained why a new vehicular access is required and greater illustration of the existing access is not

possible, or indeed whether the access to the 'Little Auburn' lands could not have been modified to serve the proposed development. In my view, greater utilisation of the existing entrance (without extensive modification), or a modified access at the existing vehicular access to the 'Little Auburn' Lands, would perhaps have been a better solution for the site"

As part of this report four access options are considered, which are:

1. A new entrance on the junction replacing that of Little Auburn.
2. The existing historic Auburn entrance.
3. An 'in-out' approach entering by the existing historic Auburn entrance and exiting by the existing Little Auburn entrance.
4. The existing Little Auburn entrance.

The report concludes that a new entrance on the junction replacing that of Little Auburn is the most appropriate access from an engineering and traffic safety perspective. Moreover, this option is considered to be the most sensitive to the woodland edge on the R107, which ensures that the historic entrance to Auburn House is maintained.

The Board are invited to refer to the Development Access Assessment Report prepared by Downey as well as the accompanying verified views, which were prepared by 3D Design Bureau.



Figure 15: Option 1 Visual Assessment

Protection of Third-Party Amenity

The proposed development has been designed in a manner that ensures that it will not adversely impact upon third-party properties. In this regard, the buildings will maintain a minimum distance of 11 metres to the boundary to the north, while there is a distance of approximately 30.3 metres to the nearest buildings to the north.

Separation distances of approximately 30 metres are being maintained to the rear of the properties at Abington to the west and north, thus there will be no direct overlooking or overshadowing possible.

The separation distance to the boundary to the south of the site at Clairville Lodge will maintain a minimum distance of 10.6 metres while there is a distance of approximately 13.3 metres to the nearest buildings as a result of the compact nature of Clairville Lodge. It is important to note that where separation distances are reduced, appropriate design measures have been introduced to the

houses by CCK Architects to ensure that there can be no direct overlooking and the continued protection of residential amenity.

Materials & Finish

All selected materials are of high-quality, low maintenance and durable, the variety of which adds interest to the development. It is important to note that the materials were chosen to reflect the existing character area and thus can be commonly found in the surrounding environs creating a development deeply rooted to its context. The elevational treatment has been a key consideration throughout the design process. The distinct composition of the proposed scheme alongside the chosen materials and external design would make a positive contribution to the area and surrounding environs.



Figure 16: CGI from the proposed development

CCK Architects have proposed a variety in terms of the palette of materials chosen for the apartment blocks, including brick, cladding and some render to less exposed areas. The palette of materials is durable and robust ensuring that they will not deteriorate over time and thus will maintain the integrity and design quality of the scheme.

As well as choosing different materials, CCK Architects have also designed subtle features such as the choice of colour of brick-and-mortar composition and the likes of soldier courses so as to increase the variety of the design and add to the architectural interest of the scheme. This also helps to break down the perceived massing of the buildings and creates different character areas in the scheme.

Please refer to the plans, sections, and elevation drawings prepared by CCK Architects for further details on the unit types and designs. Please also refer to the Architect and Urban Designer's Statement prepared by CCK Architects.

Management Company

The development will also include a creche facility together with a high quality public open space area which utilises the sylvan setting of Auburn house and surrounding areas. It is envisaged that the open spaces, apartment schemes and communal areas will be controlled by a management company post planning stage in accordance with Objective DMS33 of the Fingal Development Plan. Additionally, a Taking in Charge Map has been submitted as part of CCK Architects drawing pack, please refer to drawing no. 1902 P 036 for details.



Figure 17: CGI from the proposed development (View at The Front Field)

All new public open spaces within the development are overlooked by surrounding homes so that the safety of residents is paramount. Within the mature woodland, a pedestrian and running route for residents will be created in tandem with the woodland management plan which will provide a significant new local amenity.

7.0 LOCAL PLANNING POLICY CONTEXT

7.1 Fingal County Development Plan 2017-2023

7.1.1 Core Strategy & Housing Strategy

The purpose of the Core Strategy is to articulate a medium-to-longer term quantitatively based strategy for the spatial development of the area of the Planning Authority and in doing so, to demonstrate that a Development Plan and its policies and objectives are entirely consistent with national and regional policies and strategies.

Malahide has been identified as a Moderate Sustainable Growth Town in the Development Plan (now a strategic development area under the RSES). The County Plan notes that Malahide has experienced population growth in recent years and is served by high-capacity public transport links to Dublin City.

The vision of the Fingal Development Plan is to grow the county in a long-term sustainable way as it enters a period of economic and population growth. The plan states, *“the emphasis of this Plan is to continue to consolidate the existing zoned lands and to maximise the efficient use of existing and proposed infrastructure. In this way the Council can ensure an integrated land use and transport strategy in line with national and regional policy. [...]. The development of larger areas of residential or mixed-use lands will only take place subject to the necessary infrastructure being available and to this end will be subject to a Local Area Plan. It is through the LAP process that, within the towns and villages, the detailed phasing and distribution of housing will be determined in line with the population and housing targets established at a strategic level.”*

In this instance, the subject site is located on appropriately zoned lands within the development boundary of Malahide ensuring the development of these lands is consistent with development plan policy. The Development Plan estimates that 1,114 residential units can be produced within Malahide. This proposed development provides for an overall total of c.368 (excluding Auburn House) of these units, in accordance with the objectives of the Development Plan.

With regards to the housing strategy as set out within the Development Plan, there are three core principles which inform and guide the core strategy which are as follows:

- *“To ensure Fingal County Council provides for the development of sufficient housing to meet its obligations as set out in the Regional Planning Guidelines.*
- *To identify the existing and likely future need for housing in the area of the Development Plan.*
- To ensure that sufficient zoned lands are provided to meet the needs of the different categories of households.”

It is submitted that the proposed development at Malahide is consistent with the housing strategy as it will assist in the delivery of housing, of a sustainable density on appropriately zoned lands in a highly accessible location within the development boundary of Malahide whilst providing a variety of unit types and mixed tenures for all, in a high-quality, vibrant community setting.

7.1.2 Proposed Variation No. 2 of Fingal County Development Plan 2017-2023

Variation No. 2 to the Fingal Development Plan 2017-23 responds to the recent changes in National and Regional planning policy, namely the publication of the National Planning Framework (NPF) in 2018 and the Eastern and Midland Regional Assembly (EMRA) Regional Spatial and Economic Strategy (RSES) in 2019. The NPF includes a National Strategic Outcome (NSO) to achieve compact growth and consolidation of Ireland’s cities as a top priority.

Under the variation, Malahide is listed as a self-sustaining growth town with the remaining capacity for residential units of 956 units (Table 2.8) of the potential 43,104 units for the county as a whole. The key tenet of the overall Settlement Strategy is the continued promotion of sustainable development through positively encouraging consolidation and densification of the existing urban built form – and thereby maximising efficiencies from already established physical and social infrastructure.

The variation notes that in the Metropolitan Area, Self-Sustaining Growth Towns are positioned at the sub-county town level in the settlement hierarchy and have a moderate level of jobs and services with

good transport links and capacity for continued commensurate growth to become more self-sustaining.

As Self-Sustaining Growth Town, Malahide will continue to play an important role within a consolidated Metropolitan Area. Development in these towns should be linked to the capacity of high-quality public transport connections and the provision of social and community infrastructure such as schools and leisure facilities. Objective SS17 of the variation to the Development Plan seeks to:

“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.”

With regards to Malahide, the variation notes that Malahide is a ‘Moderate Sustainable Growth Town’ within the RPGs and is considered a ‘Self Sustaining Growth Town’ within the RSES definitions. It is a coastal town with a high quality built and natural environment. Integral to Malahide’s character and its exceptional amenity offer is Malahide Castle and Demesne (which in itself is a significant amenity of a regional scale as it contains a range of facilities and attractions including a sports hub of cricket, tennis, pitch & putt and Par 3 golf, playing fields, walks, café/restaurants, playgrounds, gardens, museums etc). The coastal environment and the tourism also offer a high-quality amenity area to residents. The town is also enhanced by excellent public transport accessibility including DART, Commuter Rail, Dublin Bus etc, which is discussed in detail within Waterman Moylan’s Traffic and Transport Reports, including an assessment on the capacity of public transport. It is envisaged that Malahide will develop as a self-sustaining centre through the provision of a range of facilities to support the existing and new populations. In order for this to be achieved, it is vital that the urban role of Malahide be strengthened, and development consolidated within the town. There is a strong built heritage with four Architectural Conservation Areas (ACAs) in the town. The natural heritage of Malahide Estuary, a European Site, is designated through a Special Area of Conservation (SAC) and a Special Protection Area (SPA) and future development must respect the natural heritage sensitivities.

The Development Strategy for Malahide seeks to promote the planned and sustainable consolidation of the existing urban form and the sensitive promotion of amenities. The need to upgrade and support the development of the core as a town centre will be balanced with the need to conserve its appearance as an attractive, historic village settlement and to retain the existing amenities of the area, being cognisant of its proximity to an ecologically sensitive coastline including European Sites.

It is submitted that the proposed development of 368 no. residential units including the protection and preservation of the existing Auburn House as one dwelling, complies with the objectives of the proposed variation to promote sustainable development through densification of the existing urban form. In this regard the lands are served by existing bus stops and indeed are within 2km from Malahide Dart Station. The provision of 368 no. units will seek to ensure the objectives for Malahide as a self-sustaining growth town are achieved and do not exceed the remaining capacity of 956 units as set out in Variation No. 2 to Fingal County Development Plan 2017-2023.

7.1.3 Land Use Zoning

Under the Fingal County Development Plan 2017-2023, the subject site is zoned Objective “RA – Residential Area” which seeks:

“Provide for new residential communities subject to the provision of the necessary social and physical infrastructure.”

The vision for this objective seeks to *“Ensure the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.”*

The proposed development is consistent with this zoning objective and its vision. In this regard, Auburn will be a distinctive community which offers a range of unique environments for residents to enjoy within different areas of the site. The experience within each of the five defined character areas will be quite unique to the site. Auburn House with the open space of the Front Field character area in front forms the centre point of the scheme and provides a key wayfinding point for residents and visitors alike. The high-quality nature of the scheme can be summarised as follows:

- There is an appropriate mix and blend of housing types and sizes, ranging from apartments, duplex units to houses, ensuring that a mix of households and demographics can find a home within the development.
- All of the houses and buildings will be of a high-quality build standard and energy efficient in line with current Building Regulations.
- The open space (particularly the public and communal open space) being provided exceeds the minimum standards as set out in the Fingal Development Plan.
- The development has been designed in accordance with the BRE Guidelines in terms of daylight and sunlight.
- The development is within walking distance of a range of public transport, services and facilities as discussed and outlined within the Community & Social Infrastructure Audit as well as the Childcare Provision Assessment Report, prepared by Downey Planning and submitted under separate cover as part of this application.

There is an upgrade proposed to the physical infrastructure in terms of wastewater treatment as part of this application and it is noted that Irish Water have also plans for significant upgrade of the infrastructure for the Malahide Area (please refer to the Waterman Moylan Engineering Assessment Report for details).

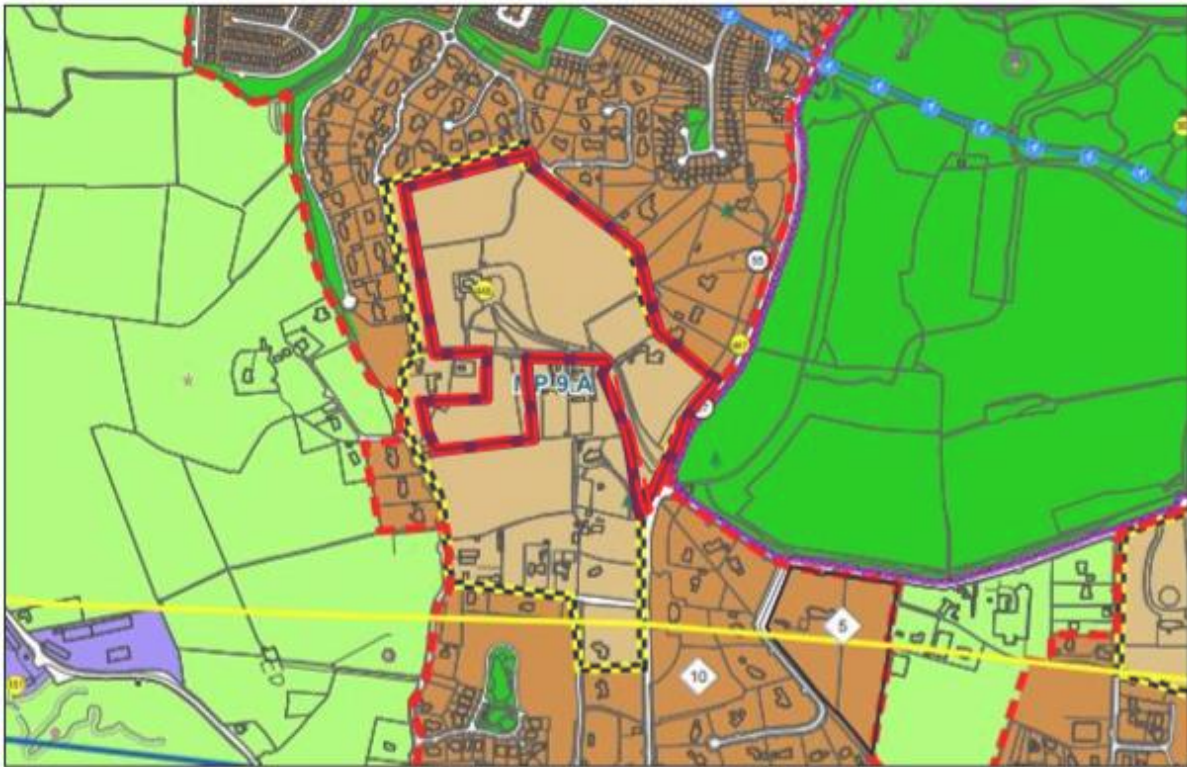


Figure 18: Land Use Zoning Map (Application Site outlined in red) (Source: Fingal Development Plan Sheet 9)

8.0 ENGINEERING PROPOSALS

Waterman Moylan Consulting Engineers have prepared an engineering pack for the proposed development. This is included under a separate cover. A Confirmation of Feasibility and Statement of Design Acceptance has been obtained from Irish Water confirming that there is capacity within the network to cater for the development and that the design is in accordance with their standards.

Furthermore, the Flood Risk Assessment, prepared by Waterman Moylan Consulting Engineers confirms that the site is not within a flood risk area and thus is suitable for residential development.

9.0 APPROPRIATE ASSESSMENT SCREENING

An Appropriate Assessment Screening Report has been carried out by Padraic Fogarty of Openfield Ecological Services. The screening report has evaluated the proposed development at Malahide to determine whether or not significant negative impacts on Natura 2000 sites are likely to arise by virtue of its construction and use. The screening report concludes that this proposed development is not located within or directly adjacent to any SAC or SPA, but pathways do exist to a number of these areas. An assessment of the aspects of this project has shown that surface hydrological pathways exist to Baldoyle Bay; significant effects cannot be ruled out to Baldoyle Bay SAC and SPA.

A Natura Impact Statement (NIS) has been prepared by OPENFIELD Ecological Services for the proposed development. The NIS contains an analysis of the proposed project and its relationship with areas designated under the Habitats and Birds Directives. Following this analysis, significant effects to the Baldoyle Bay SAC could not be ruled out. Specifically, this may arise from the impact to intertidal habitats from pollution during the construction phase. Arising from this assessment, mitigation has

been proposed. With the implementation of these measures' adverse effects to the integrity of the SAC will not occur. This conclusion is based on best scientific knowledge.

For further information in this regard, please refer to the Appropriate Assessment Screening Report and Natura Impact Statement, which have been prepared by OPENFIELD Ecological Services. It is also noted that Brian Keeley has undertaken a Bat and Badger survey of the site and an Invasive Species Study has been undertaken by Peter Cuthbert (Horticulturist Consultant), all of which are included as part of this planning application to An Bord Pleanála.

10.0 EIA SCREENING

The EIA Directive 85/337 EEC, as amended, is the key legislation in EU Environmental Policy. The EIA Directive aims to determine the likely significant effects of a project on the environment. Screening is the first stage in the EIA process required by Article 4 of the EIA Directive and this process determines whether an EIA is required for a specific project. The Directive outlines in Article 4(1) 24 Annex 1 projects that require a mandatory EIA. Article 4 (2) outlines Annex 2 projects that require consideration for EIA further to a case-by-case examination or through thresholds and criteria set out by Member States. In an Irish context, projects requiring a mandatory EIA or consideration for EIA further to a case-by-case examination or thresholds are listed in Schedule 5 of the Planning and Development Regulations.

In this instance, given that the application site extends to c. 13.28 hectares within what can be considered a built-up area, the nature of the lands with ecological and woodland sensitivities and that 368 no. units are proposed, an Environmental Impact Assessment has been prepared and helped to inform the proposed application. The Environmental Impact Assessment Report (EIAR) is enclosed under separate cover as part of this planning application.

11.0 CONCLUSION

This Planning Report has been prepared to accompany a planning application to An Bord Pleanála for a residential development on lands Auburn House (Protected Structure), Little Auburn and Streamstown off the R107 Malahide Road/Dublin Road and Carey's Lane, Malahide, Co. Dublin.

The proposed development will consist of the preservation and protection of the existing Protected Structure of Auburn House as 1 no. residential dwelling and the construction of 368 no. residential dwellings, apartments and duplexes providing for an overall total of 368 no. new residential units (87 no. dwellings, 239 no. apartments & 42 no. duplexes) along with 1 no. childcare facility. This is in accordance with National Guidelines and indeed with the Development Plan requirements for residential developments on zoned lands.

The proposed scheme successfully addresses the previous reasons for refusal. Overall, the design has taken a considerate approach towards the natural and built heritage of the Auburn Lands. To achieve this careful design considerations have included:

- Retention of existing woodlands and trees as a priority.
- Sensitive approach to the design and planting of the open spaces, boundaries and management of the woodland areas, tree belts and hedgerows.

- Protection of the unique character and setting of Auburn House
- Usable spaces with varying character, dynamics and emphasis, without detracting from the setting and character of Auburn House.

This has resulted in several changes to the scheme, to summarize:

- The density of the development has been reduced from 411 no. dwellings previously proposed to now being a proposal of 368 no. new units.
- A reduction of approximately 25% in the number of trees proposed or required to be removed (please refer to the Arborist Report for details).
- The removal of Block 7 from the woodland.
- Moving apartment Block 3 in a westerly direction to preserve the historic tree/hedgerow.
- The reduction in height of apartment blocks 1-3 by a single storey, to ensure that they are not impacting on the visual setting of Auburn and are completely below the existing tree line.
- Removal and reconfiguration of housing clusters in the front field, which protect the setting of Auburn House but also retain additional tree stands and hedgerows.
- The removal of the previous 'rain garden' attenuation area in the front field which preserves an existing historic hedgerow.
- Improved and updated Woodland Management Plan (prepared by The Tree File).
- The removal of the previously proposed community use building from the Walled Garden.
- The curtilage of Auburn House has been extended to provide a more appropriate amenity to the protected structure and future residents.
- Waterman-Moylan have prepared a full daylight & sunlight assessment, which confirms that the development is consistent with the BRE Guidelines.
- The matter of the access to the site from the R107 is discussed in detail in a stand-alone Development Access Report, prepared by Downey Planning.
- The provision of a Protection Plan for Auburn House, prepared by Sheehan & Barry Conservation Architects.

Downey, respectfully submitted to the Board that the current proposal has successfully addressed the previous reasons for refusal.

The design of the proposed scheme has been the subject of a full analysis/feasibility study of the proposed site and its surrounding landscape, and it is considered that the proposed development represents a high-quality design whilst optimising the appropriate use of the site. Utilising of serviced residential zoned land within the development boundary of Malahide will ensure walking and cycling are viable options for the community, with the area also very well served by existing public transport infrastructure (Dublin Bus Stop & DART station located within 2km of application site), all of which will ensure that the future population utilise sustainable public transport and active travel options rather than car transport which will help meet the ever-increasing demand for residential accommodation in the Greater Dublin Area.

The proposed development comprises a high-quality scheme of an appropriate scale and of a sustainable residential density reflective of its strategic location within Malahide. The Statement of Consistency which accompanies the application demonstrates that the proposed development complies with the relevant national, regional, and local planning policy. Please refer to the enclosed

Statement of Consistency which sets out the justifications for the proposed development. Furthermore, the proposal will provide for an effective, efficient, sustainable use of what is a greenfield site in a highly accessible location. The nature, form and extent of the proposed development has been informed and guided by pre-application consultations with the pertaining Planning Authority and internal departments and the pre-application consultation with An Bord Pleanála.

The proposed dwelling houses and apartment units meet the requirements of Fingal County Council and fully comply with the Fingal County Development Plan 2017-2023 and the 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines. All unit types proposed meet the minimum gross floor areas required and meet the aggregate living room, living areas, bedroom areas and storage areas required. Please refer to the accompanying drawings/schedule enclosed with this planning application for a full breakdown of living standards for each unit type. The delivery of 368 no. residential units at this location would add to the sense of community in the area, would represent an appropriate and sustainable land use, and would provide for an appropriate use on an otherwise underutilised site. Please also refer to the Architect and Urban Designer's Statement prepared by CCK Architects which demonstrates the proposed development's compliance with Objective DMS03 of the Fingal Development Plan 2017-2023.

It is submitted that the proposed development is in accordance with the proper planning and sustainable development of the area in which it is located as expressed in national, regional, and local planning policy and Guidelines issued under Section 28 of the Planning and Development Act, 2000 (as amended), and it is submitted to the Board that the proposed development at Malahide is in accordance with the proper planning and sustainable development of the area.