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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F17A/0372**

**Appeal** by Balbriggan Community Council care of Alice Davis of 2 Bremore, Balbriggan, County Dublin and by James Halligan of 33 Flemington Park, Balbriggan, County Dublin against the decision made on the 23<sup>rd</sup> day of August, 2017 by Fingal County Council to grant subject to conditions a permission to Crescent Park Properties Limited care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin.

**Proposed Development:** Alterations to previously approved residential development (planning register reference number F07A/1249, An Bord Pleanála appeal reference number PL 06F.231457) consisting of the omission of the following sections of the previously approved residential development: “Flemington Village” (superceded by planning register reference numbers F13A/0240 and F15A/0437), “Naul Park” (superceded by planning register reference number F15A/0550), “River Court” and “Hampton Court” (superceded by planning register reference number F15A/0242, approval for development of Saint George’s National School and Coláiste Ghlór na Mara Secondary School). The omission of the above sectors of development results in an altered permission comprising only Phase 1 public open space to the north-west (as amended by planning register reference number F15A/0550), “Boulevard” Road, and the “Ladywell Avenue” sector of development located in the southwest corner of the site, which comprises a total of 233 number

dwelling units, consisting of 89 number houses (11 number two bedroom two-storey houses, 19 number three bedroom two-storey houses, 14 number three bedroom three-storey houses, 25 number four bedroom two-storey houses, 20 number four bedroom three-storey houses) and 144 number apartments in three and four storey blocks (40 number two bedroom duplex apartments, 60 number two bedroom apartments and 44 number three bedroom duplex apartments), crèche, 398 number car parking spaces (89 number undercroft and 309 number surface level) and 144 number bicycle parking spaces (one for each apartment). All ground floor apartments have private terraces, all upper level apartments have private balconies and all houses have private rear gardens, landscaped public open space including public park (as amended under planning register reference number F15A/0550), piped and other services, roads and footpaths, refuse storage, Electricity Supply Board substations, landscaping and boundary treatments and all associated site development works. Works also include construction of the partially completed “Boulevard” Road running from the intersection with the proposed C Ring Road south to the Naul Road. All on lands north of the Naul Road, south of Flemington Lane, east of the Clonard-Bridgefoot Road and west of the Castlemill Link Road, Balbriggan, County Dublin.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the planning history and pattern of development in the area, the current provisions of the Fingal Development Plan 2017-2023 which takes account of statutory guidance adopted in the intervening period since the granting of the parent permission, most notably the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government (2013), the Board considered that the design and layout of the proposed development, particularly in relation to pedestrian and cyclist permeability, roads infrastructure and the quality of the open spaces, failed to adequately meet the more recent residential development standards. Therefore, the Board considered that the proposed development would seriously injure the residential amenities of future occupants of the development and the area and would not be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore not be in accordance with the proper planning and sustainable development of the area.

