An Coimisiún Pleanála

Commission Order

ABP-320859-24

Planning and Development Acts 2000, as amended

Planning Authority: Fingal County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Coimisiún Pleanála on the 11th day of August 2021 and reactivated on the 20th day of September 2024, by Rhonellen Developments Limited care of McGill Planning Limited of 45 Herbert Lane, Dublin.

Proposed Development comprises of the following:

1. Demolition of existing buildings including former supermarket building, car park, substation, and outbuildings partially in retail use.
2. Construction of a Build-to-Rent development comprising three number apartment blocks (Blocks A to C) ranging in height from three to six storeys (with Block B over three number lower courtyard floors) providing a total of 101 number units (19 number studios, 41 number one-beds, 41 number two-beds).
3. Provision of resident support facilities and resident services and amenities (circa 217.03 square metres).
4. Provision of two number retail units (circa 110.15 square metres).
5. Provision of 25 number car parking spaces at ground floor and accessed from Quay Street, 182 number bicycle parking spaces.
6. Provision of Electricity Supply Board substation and switch room, plant areas, bin stores, telecoms areas.

7. Provision of open spaces, landscaping, boundary treatments, all associated site works, and services provision.

All located at a site comprising the former Mall Shopping Centre site, Quay Street and High Street, Balbriggan, County Dublin.

Decision

Refuse permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.

Reasons and Considerations

In coming to its decision, the Commission had regard to the following:

1. Having regard to the provisions of the Fingal Development Plan 2023-2029, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the Urban Development and Building Heights Guidelines for Planning Authorities (2018), and the Urban Design Manual (2009), it is considered that the proposed development constitutes an overdevelopment of dwellings on the site. The proposed net density of 240 dwellings per hectare significantly exceeds the baseline range of 50–150 dwellings per hectare prescribed in Table 3.3 of the 2024 Guidelines for a 'Metropolitan Town' location; notwithstanding the sites' proximity to high-frequency public transport, this density lies substantially outside the limits open for consideration. The development therefore does not accord with the proper planning and sustainable development of the area.

2. The Commission had regard to Appendix 5 of the Fingal County Development Plan 2022-2029, which provides a description of Balbriggan Historic Town Core Architectural Conservation Area (ACA). The description refers to High Street as largely residential with good examples of artisan cottages, and Quay Street as having a series of traditional terrace housing that connects the town's main street to the 18th century historic harbour and beach. The Commission acknowledge that the uses proposed on to both Quay Street and High Street are appropriate, that the juxtaposition of the buildings within this fragmented town block has been well considered, with limited impacts on the amenity of adjoining structures and their occupants by way of overshadowing or overlooking. Furthermore, the block layout addresses the challenging level differences within the site creating an attractive communal space. The railway viaduct's setting is not impinged by the proposed design. Nothwithstanding the above the Commission considered, having regard to the position of the building on both High Street and Quay Street the building height does not assimilate into the street scape resulting in excessive street enclosure and a poorly articulated transition to the existing dwellings. In addition, the relationship of the ground floor units onto high street due to the internal layout detract from the privacy and residential amenity of future residents and, the limited points of access to the dwellings from High Street does little to animate this street. The development would, therefore, injure the visual amenities of the area, not contribute to animating High Street and be contrary to proper planning and sustainable development.

Note:

The Commission concurred with the Inspector that permission should be refused. Regarding density, the Commission agreed with the Inspector that the density significantly exceeded the range set out in the guidelines for a 'Metropolitan Town'. The Commission concurred with the Inspector that the height of the building is problematic, as is the relationship of the ground floor with High Street but did not consider the impact on the Architectural Conservation Area to be so profound as to discredit all elements of the design proposed.

Mary Henchy
Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.

Dated this 3rd **day of** December **2026.**