



Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0439

APPEAL by LDB Developments Limited care of Downey Planning of 1 Westland Square, Pearse Street, Dublin against the decision made on the 13th day of July, 2020 by Dún Laoghaire-Rathdown County Council to refuse permission.

Proposed Development: Removal of existing car wash sheds, workshop and existing associated structures; closure of two number existing vehicular entrances from Braemor Road; construction of one number three to six storey apartment building over basement level consisting 32 number apartment units (four number one-bedroom units, 24 number two-bedroom units and four number three-bedroom units) with associated balconies/roof terraces; provision of a new vehicular and pedestrian access onto Landscape Road, basement level car parking for 36 number car parking spaces, 92 number bicycle parking spaces, plant room and refuse storage areas at basement level, new pedestrian access onto Landscape Road and 'Badger's Glen'; all associated site development; engineering works, landscaping and boundary treatments. The subject site is bounded by Braemor Road to the north, Landscape Road to the east, and open space known as 'Badger's Glen' to the south and west, all at 149 Braemor Road, Churchtown, Dublin. The proposed development was revised by further public notices received by the planning authority on the 19th day of June, 2020.

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 information submitted with the planning application and the appeal, it is considered that the proposals submitted have failed to demonstrate a successful regime for management of surface water on the site. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that further clarity was required to ensure that surface water measures were suitable and appropriate for the site. It also considered that there should be no lack of clarity on this matter. It did not consider that the applicant had made a sufficient case for the method of surface water management proposed, that is, a Stormtech system under the basement, such that the proposed development would not be prejudicial to public health.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2021.