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| | South Dublin County Council Local Government (Planning & Development) Acts 1963 to 1993 Planning Register (Part 1) | Plan Register No. S98A/0153/C1 | |
| 1. Location | 'The Orchard', Old Leixlip, Lucan, Co. Dublin. | | |
| 2. Development | 118 apartments consisting of 31 x 2 bed and 29 x 3 bed. and 2 x 4 bed in 4 no 3 storey duplex blocks and 48 x 2 bed and 8 x 3 bed. in 2 no. 3 storey plus mansard floor blocks and associated development works and demolition of existing house. Compliance re Condition No. 10(a). | | |
| 3. Date of Application | 26/04/1999 | Date Further Particulars (a) Requested (b) Received | |
| 3a. Type of Application | Compliance with Conditions | 1. 2. | 1. 2. |
| 4. Submitted by | Name: Frank Elmes and Co. Address: 2 Waldemar Terrace, Main Street, | | |
| 5. Applicant | Name: Deane Brothers Developments Ltd Address: 7 Fields Terrace, The Angle, Ranelagh, Dublin 6. | | |
| 6. Decision | O.C.M. No. 1059 Date 19/05/1999 | Effect CC APPROVE THE COMPLIANCE SUBMISSION | |
| 7. Grant | O.C.M. No. Date | Effect CC APPROVE THE COMPLIANCE SUBMISSION | |
| 8. Appeal Lodged | | | |
| 9. Appeal Decision | | | |
| 10. Material Contravention | | | |
| 11. Enforcement | | Compensation | Purchase Notice |
| 12. Revocation or Amendment | | | |
| 13. E.I.S. Requested | | E.I.S. Received | E.I.S. Appeal |
| 14. Registrar | Date | Receipt No. | |

REG. REF. : S98A/0153/C1

DATE : 20.05.1999

RE: 118 apartments consisting of 31 x 2 bed and 29 x 3 bed. And 2 x 4 bed in 4 no 3 storey duplex blocks and 48 x 2 bed and 8 x 3 bed, in 2 no. 3 storey plus mansard floor blocks and associated development works and demolition of existing house at 'The Orchard', Old Leixlip, Lucan, Co. Dublin for Deane Brothers Developments Ltd. Compliance re Condition No. 10(a).

Dear Sir,

I refer to your submission received on 26.04.1999 to comply with Condition No. 10(a) of decision to Grant Permission by An Bord Pleanala in connection with the above.

In this regard I wish to inform you that as the required 4 weeks notice has been given, the submission received is satisfactory.

Yours faithfully,



for Senior Administrative Officer

Frank Elmes and Co.,
2 Waldemar Terrace,
Main Street,
Dundrum,
Dublin 14.

| | | | |
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| | South Dublin County Council Local Government (Planning & Development) Acts 1963 to 1993 Planning Register (Part 1) | Plan Register No. S98A/0153 | |
| 1. Location | 'The Orchard', Old Leixlip, Lucan, Co. Dublin. | | |
| 2. Development | 118 apartments consisting of 31 x 2 bed and 29 x 3 bed. and 2 x 4 bed in 4 no 3 storey duplex blocks and 48 x 2 bed and 8 x 3 bed. in 2 no. 3 storey plus mansard floor blocks and associated development works and demolition of existing house. | | |
| 3. Date of Application | 13/03/1998 | Date Further Particulars (a) Requested (b) Received | |
| 3a. Type of Application | Permission | 1. 12/05/1998 2. | 1. 01/07/1998 2. |
| 4. Submitted by | Name: Frank Elmes and Co. Address: 2 Waldemar Terrace, Main Street, | | |
| 5. Applicant | Name: Deane Brothers Developments Ltd Address: 7 Fields Terrace, The Angle, Ranelagh, Dublin 6. | | |
| 6. Decision | O.C.M. No. 1731 Date 31/08/1998 | Effect AP GRANT PERMISSION | |
| 7. Grant | O.C.M. No. Date | Effect AP GRANT PERMISSION | |
| 8. Appeal Lodged | 17/09/1998 | Written Representations | |
| 9. Appeal Decision | | | |
| 10. Material Contravention | | | |
| 11. Enforcement | | Compensation | Purchase Notice |
| 12. Revocation or Amendment | | | |
| 13. E.I.S. Requested | E.I.S. Received | E.I.S. Appeal | |
| 14. Registrar | Date | Receipt No. | |

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1998

County South Dublin

Planning Register Reference Number: S98A/0153

APPEAL by Lucan Planning Council care of Glascott Symes of The King's Hospital, Palmerstown, Dublin by Deane Brothers Developments Limited care of Manahan and Associates of 38 Dawson Street, Dublin and by others against the decision made on the 31st day of August, 1998 by the Council of the County of South Dublin to grant subject to conditions a permission to the said Deane Brothers Developments Limited for development comprising the demolition of existing house and the erection of 118 apartments consisting of 31 two bedroom, 29 three bedroom and 2 four bedroom in 4 three storey duplex blocks and 48 two bedroom and 8 three bedroom in 2 three storey with mansard floor blocks and associated development works at 'The Orchard', Old Leixlip, Lucan, County Dublin in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1998, it is hereby decided, for the reason set out in the First Schedule hereto, to grant permission for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said permission is hereby granted subject to the said conditions.

FIRST SCHEDULE

Having regard to the residential zoning objective for the site it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and development of the area.

SECOND SCHEDULE

1. The proposed development shall be carried out in accordance with the drawings received by the planning authority on the 13th day of March, 1998, except as shall be amended by the following:-
 - (1) Blocks A and B shall conform in height and design with the revisions received by the planning authority on the 1st day of July, 1998.
 - (2) Block D as shown on drawing number A/98/22, dated February, 1998, shall be omitted and the area shall be laid out as public open space.

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6. All trees indicated on the drawing number 3168/1, received by the planning authority on the 13th day of March, 1998, which have been specified for retention, shall be retained on site unless otherwise agreed by the planning authority. In this regard the trees to be retained on site shall be enclosed with a stout fence, details of which shall be agreed with the planning authority. The fences shall enclose at least the area covered by the spread of the branches, shall be erected before any site works begin and shall be maintained during the construction period.

Reason: To ensure the protection of trees on site.

7. Prior to commencement of development, a landscaping scheme, including full works specification, bill of quantities for open space, details of footpaths, grading, boundary treatment, seeding, drainage, tree and shrub planting and a timetable for its implementation, shall be submitted to and agreed with the planning authority. Such a scheme shall clearly identify the area which is to be designated as public open space and said area shall, when developed in accordance with the scheme, be made available for the continuous use and enjoyment of the residents of the estate and shall not be closed or fenced off in any way or sold or transferred to any individual house owner.

Reason: In the interest of visual amenity.

8. A management scheme for the adequate future maintenance of private open spaces, roads and communal areas shall be submitted to and agreed with the planning authority prior to the commencement of development.

Reason: To ensure the adequate future maintenance of this development in the interest of residential amenity.

9. The site and building works required to implement the development shall be carried out between 0800 hours and 1800 hours Monday to Friday and between 0800 hours and 1300 hours on Saturdays only. No work shall be carried out on Sundays or Bank Holidays.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

10. The developer shall facilitate the planning authority in the archaeological appraisal of the site, and in preserving, recording or otherwise protecting archaeological materials or features which may exist within it. In this regard, the developer shall -

- (a) Notify the planning authority in writing at least four weeks in advance of the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

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16. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

17. Prior to the commencement of development, the developer shall pay the sum of £60,000 (sixty thousand pounds [€76,184.28 (seventy six thousand one hundred and eight four euro and twenty eight cents)]) (updated at the time of payment in accordance with changes in the Wholesale Price Index - Building and Construction (Capital Goods), published by the Central Statistics Office) to the planning authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public water supply and sewerage facilities facilitating the proposed development.

In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

Reason: It is considered reasonable that the developer should contribute towards the expenditure that was and/or that is proposed to be incurred by the planning authority in respect of works facilitating the proposed development.

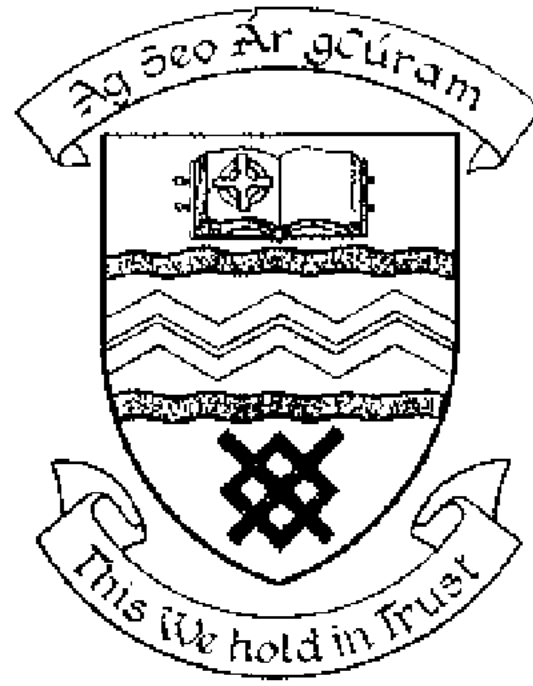
18. Prior to the commencement of development, the developer shall pay the sum of £800 (eight hundred pounds)[€1,015.79 (one thousand and fifteen euro and seventy nine cents)] per dwelling unit (updated at the time of payment in accordance with changes in the Wholesale Price Index - Building and Construction (Capital Goods), published by the Central Statistics Office) to the planning authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of road construction/improvements and traffic management facilities facilitating the proposed development.

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**SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CHONTAE ÁTHA CLIATH THEAS**

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**PLANNING
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**NOTIFICATION OF DECISION TO GRANT PERMISSION
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993**

| | |
|-------------------------------------|----------------------------------|
| Decision Order Number 1731 | Date of Decision 31/08/98 |
| Register Reference S98A/0153 | Date 13th March 1998 |

Applicant Deane Brothers Developments Ltd

Development 118 apartments consisting of 31 x 2 bed and 29 x 3 bed. and 2 x 4 bed in 4 no 3 storey duplex blocks and 48 x 2 bed and 8 x 3 bed. in 2 no. 3 storey plus mansard floor blocks and associated development works and demolition of existing house.

Location 'The Orchard', Old Leixlip, Lucan, Co. Dublin.

Floor Area Sq Metres

Time extension(s) up to and including

Additional Information Requested/Received 12/05/98 /01/07/98

In pursuance of its functions under the above mentioned Acts, the South Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by Order dated as above make a **DECISION TO GRANT PERMISSION** in respect of the above proposal.

Subject to the conditions (32) on the attached Numbered Pages.
Signed on behalf of the South Dublin County Council.

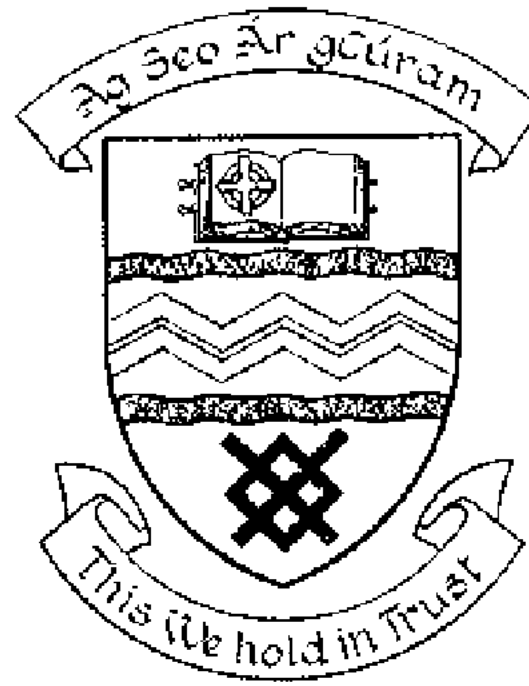
..... 31/08/98
for SENIOR ADMINISTRATIVE OFFICER

Frank Elmes and Co.
2 Waldemar Terrace,
Main Street,
Dundrum,
Dublin 14.

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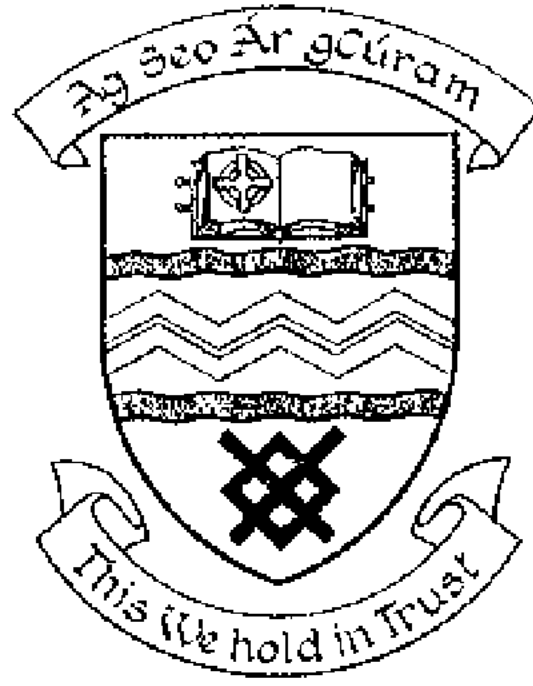
Conditions and Reasons

- 1 The development to be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application as amended by the plans and specifications submitted to the Planning Authority as additional information on 1st July 1998, save as may be required by the other conditions attached hereto.
REASON:
To ensure that the development shall be in accordance with the permission and that effective control be maintained.
- 2 That revisions shall be made to Blocks C and D shown on Drawing No. OL/98/122 submitted to the planning authority on 1st July, 1998 so that there is provision for a minimum distance of five metres between the gable ends of the blocks and the site boundaries. Revised site layout, floor plan and elevation drawings shall be submitted to the Planning Authority for agreement prior to the commencement of the development.
REASON:
In the interest of the proper planning and development of the area.
- 3 That a financial contribution in the sum of £24,420 (twenty four thousand four hundred and twenty pounds) be paid by the proposer to South Dublin County Council towards the cost of provision of public services in the area of the proposed development and which facilitate this development; this contribution to be paid before the commencement of development on the site.
REASON:
The provision of such services in the area by the Council will facilitate the proposed development. It is considered

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reasonable that the developer should contribute towards the cost of providing the services.

- 4 That the area shown as open space be levelled, soiled and seeded and landscaped to the satisfaction of the County Council and to be available for use by residents on completion of their dwellings.

REASON:

In the interest of the proper planning and development of the area.

- 5 That the water supply and drainage arrangements, including the disposal of surface water, be in accordance with the requirements of the County Council.

REASON:

In order to comply with the Sanitary Services Acts, 1878-1964.

- 6 That all public services to the proposed development, including electrical, telephone cables and equipment be located underground throughout the entire site.

REASON:

In the interest of amenity.

- 7 That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

REASON:

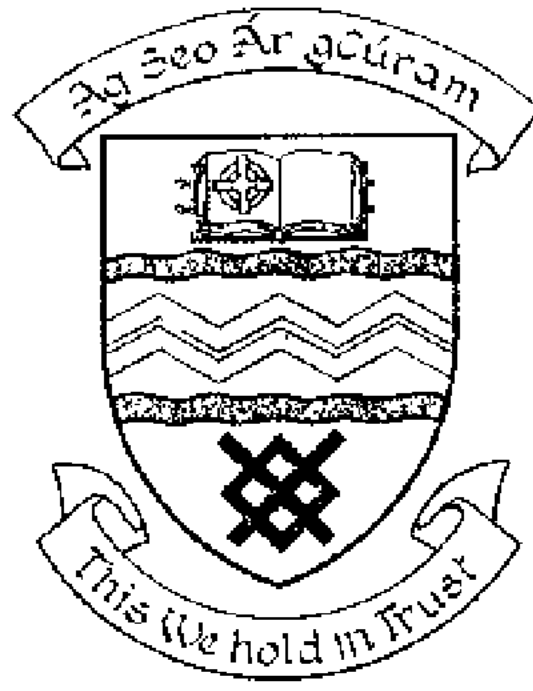
To protect the amenities of the area.

- 8 That an acceptable apartment naming and numbering scheme be submitted to and approved by the South Dublin County Council before any constructional work takes place on the proposed development.

REASON:

In the interest of the proper planning and development of the area.

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- 9 That the areas shown and conditioned as open space be fenced off during construction work and shall not be used for the purpose of site compounds or for the storage of plant, materials or spoil.

REASON:

To protect the amenities of the area.

- 10 That the water supply and drainage arrangements, including the disposal of surface water, be in accordance with the requirements of the South Dublin County Council.

REASON:

In order to comply with the Sanitary Services Acts, 1878 - 1964.

- 11 That details of the Management Agreement for the maintenance and control of the site be submitted and agreed with the Planning Authority prior to the commencement of development.

REASON:

In the interest of the proper planning and development of the area.

- 12 That provision shall be made for cycle parking and for refuse storage on site. Details shall be submitted for agreement with the Planning Authority for agreement prior to the commencement of the development. Adequate and convenient provision should be made for 100 dwellings.

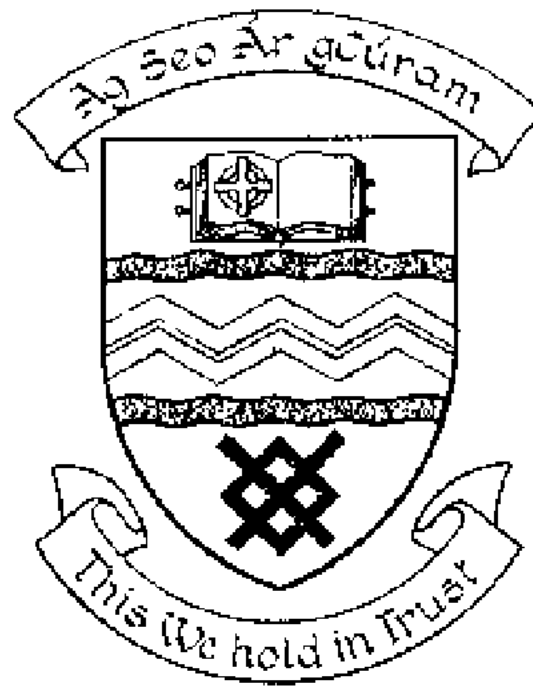
REASON:

In the interest of the proper planning and development of the area.

- 13 That the applicant shall undertake, at his own expense, works to widen the existing footpath to the front of the site by reducing the width of the existing carriage way. Prior to the commencement of development the applicant shall submit for agreement with the Planning Authority, full details of these works including, kerbing, materials drainage alterations, tie-ins etc.

REASON:

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In the interest of improved vision at the access/agrees to the site and the proper planning and development of the area.

- 14 That the centre of the roundabout at the entrance shall be designed and constructed so that it is fully mountable.

REASON:

In the interest of traffic safety.

- 15 That the following requirements shall be provided for in the development to the satisfaction of the Environmental Services Department:-

- (a) There shall be full and complete separation of the foul and surface water systems. No surface water may be discharged to the foul system.
- (b) All pipes shall be laid with a minimum cover of 1.2 metres in roads, footpaths and driveways and 0.9 metres in open space areas. Where it is not possible for these minimum covers to be achieved, the pipes shall be bedded and surrounded in C20 concrete which is 150 millimetres in thickness.
- (c) No building shall be located within five metres of a public sewer or sewer with potential to be taken in charge in distances of a public sewer or sewer with potential to be taken in charge.

REASON:

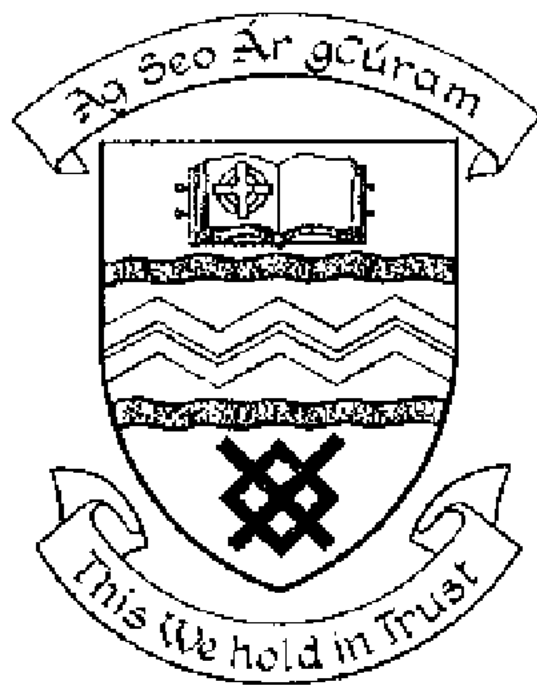
In order that the development meets with the requirements of the Environmental Services Department.

- 16 That the following requirements of the Environmental Services Department shall be provided for in the development:-

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- (a) 150mm piping shall be used to supply more than one building 100mm piping may otherwise be used;
- (b) 24 hour storage must be provided for each dwelling;
- (c) All connections, swabbing, chlorination and tappings of the mains shall be carried out by South Dublin County Council at the applicant's own expense;
- (d) Balancing tanks and booster pumps shall be provided if necessary on the rising main for the top floor units in the three storey blocks.

REASON:

So that the development is in accordance with the requirements of the Environmental Services Department.

- 17 That prior to the commencement of the development the applicant shall pay a special levy of £2,500 per hectare toward the cost of the upgrading works to Esker Pumping Station.

REASON:

These works will directly facilitate the development and it is considered reasonable that the developer should contribute towards the cost.

- 18 That prior to the commencement of the development the applicant shall pay a special of £40,000 (£400 per dwelling) toward the cost of the Lucan Palmerstown Water Supply Scheme.

REASON:

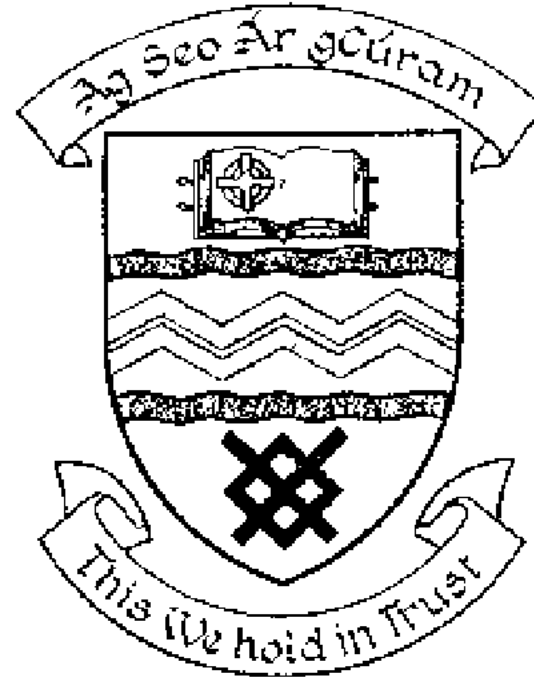
These works will directly facilitate the development and it is considered reasonable that the developer should contribute towards the cost.

- 19 That prior to the commencement of the development the applicant shall pay a special levy of £1,250 per hectare toward the cost of improvements to the Griffeen River.

REASON:

These works will directly facilitate the development and it

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is considered reasonable that the developer should
contribute towards the cost.

- 20 That prior to the commencement of the development the
applicant shall obtain and submit written evidence of a
Wayleave for the Outfall Sewer to the Griffeen River within
the Town Park.

REASON:

In the interest of the proper planning and development of
the area.

- 21 That all subsurface works on the site shall be carried out
under the supervision of a licensed archaeologist retained
by the developer at his own expense. In the event of
archaeological features being discovered the developer shall
facilitate the archaeologist in fully recording the
excavation of the items. In the event of significant items
and features being uncovered the archaeologist retained by
the developer shall immediately inform Duchas, The National
Monuments Service which shall determine whether further
archaeological resolution of the site. A written report of
the results of all the archaeological monitoring on site
shall be submitted to the Planning Authority and Duchas, the
National Monuments Service.

REASON:

To ensure the satisfactory investigation into possible
archaeological deposits on site and to facilitate protection
and recording of same.

- 22 That prior to the commencement of the development the
applicant shall pay a financial contribution of £70,000
(£1,000 per duplex and £500 per apartment) towards the cost
of the further development of Class 1 public open space in
the Liffey Valley.

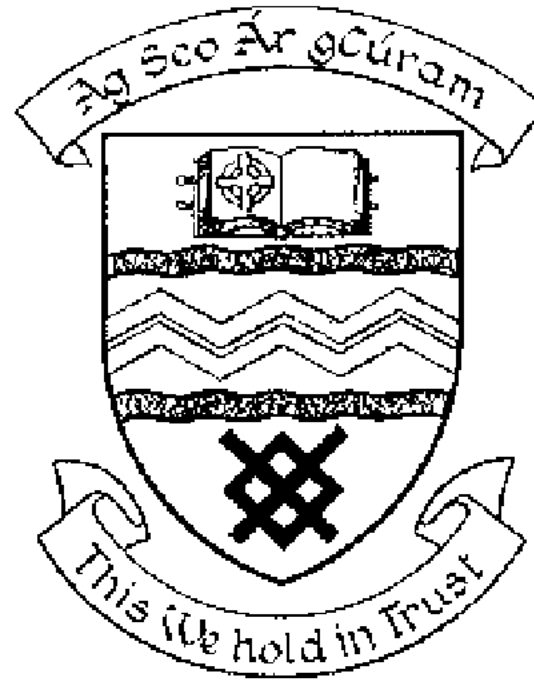
REASON:

These works will directly facilitate the development and it

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is considered reasonable that the developer should contribute towards the cost.

- 23 That the icehouse shall be retained within its woodland setting and no alterations shall be made to it with the exception of the fitting, without damage or alteration to the stonework of a gate made from high quality ironwork to the entrance. (A door is unacceptable).

REASON:

To ensure the preservation and protection in its current condition of the Ice house which is a listed structure.

- 24 The tunnel under the roadway and its access, the workbell, iron brackets and the existing boundary walling along the perimeter of the site, other than at the location of the new site access as shown on the lodged plans shall not be removed and shall be retained and preserved in perpetuity. All necessary measures shall be taken throughout the construction period to protect these items from damage.

REASON:

In order that the historical heritage and character of the site may be preserved.

- 25 That prior to the commencement of the development the applicant shall agree detailed plan and schedule for the relocation of the semi-mature trees within the site and remedial tree survey works, for agreement with the Parks Department.

REASON:

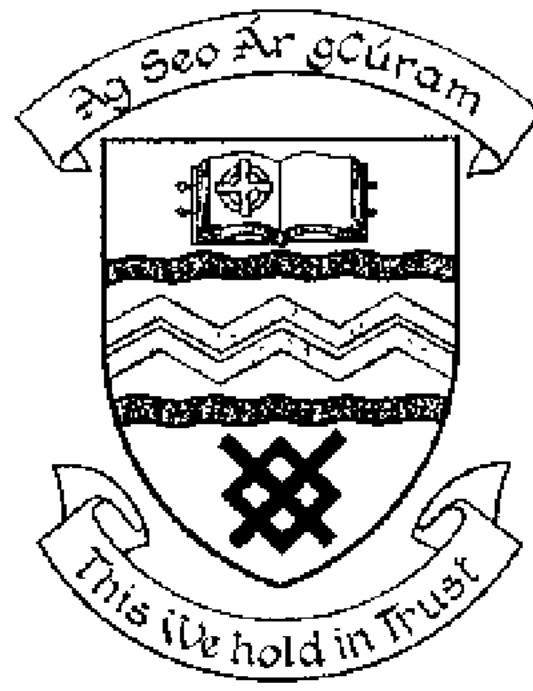
This work shall be carried out to the satisfaction of the Parks Department before any construction works are commenced on site.

- 26 That the trees to be retained on site and the woodland area at the southern end of the site shall be fully fenced off to

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crown spread throughout the entire period of construction.

REASON:

To ensure the protection and preservation of the trees and woodlands.

- 27 That a satisfactory scheme of landscaping, including the proposed programme for such works, shall be submitted to and approved by the Council before any development commences.

REASON:

In the interest of the proper planning and development of the area.

- 28 That the roof tiles shall be a dark colour, either black, blue black or black/grey.

REASON:

In the interest of visual amenity.

- 29 That prior to the commencement of development, the applicant shall submit a fully detailed landscape plan and full works specification with specific reference to the proposed boundary treatment taking into account the retention of the existing walls.

REASON:

In the interest of the proper planning and development of the area.

- 30 That car space No's. 57-59 inclusive shown on site layout plan lodged with the Planning Authority on 1st July 1998 shall be omitted and this space shall be incorporated into the open space and landscaped so as to mark an entrance to the open space. Details to be agreed with the Parks Department.

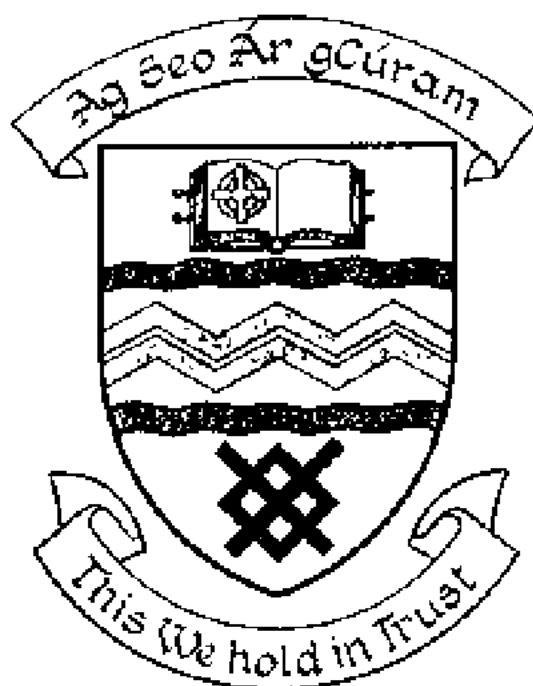
REASON:

To increase the amenity of and access to the private open space.

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- 31 That a financial contribution in the sum of money equivalent to the value of £80,000 (eighty thousand pounds) as on 1st January, 1991, updated in accordance with the Wholesale Price Index - Building and Construction (Capital Goods) as published by the Central Statistics Office to the value pertaining at the time of payment shall be paid by the proposer to South Dublin County Council towards the cost of roads improvements and traffic management in the area of the proposed development and which facilitate this development; this contribution to be paid before the commencement of development on the site.

REASON:

It is considered reasonable that the developer should contribute towards the expenditure that was incurred and/or that is proposed to be incurred by the Council on road improvement works and traffic management schemes facilitating the proposed development.

- 32 That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services, kerbs, grass margin and footpath fronting the site has been given by lodgement with the Council of an approved Insurance Company Bond in the sum of £80,000 (eighty thousand pounds) or lodgement with the Council of a cash sum of £50,000 (fifty thousand pounds)

REASON:

To ensure that a ready sanction may be available to induce the provision of services and prevent disamenity in the development.

SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CHONTAE ÁTHA CLIATH THEAS

Bosca 4122,
Lár an Bhaile, Tamhlacht,
Baile Átha Cliath 24.

Telefon: 01-414 9000
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PLANNING
DEPARTMENT
P.O. Box 4122,
Town Centre, Tallaght,
Dublin 24.

Telephone: 01-414 9000
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LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

| | |
|------------------------------|---------------------------|
| Decision Order Number 0894 | Date of Decision 12/05/98 |
| Register Reference S98A/0153 | Date 13th March 1998 |

Applicant Deane Brothers Developments Ltd
Development 118 apartments consisting of 31 x 2 bed and 29 x 3 bed. and 2 x 4 bed in 4 no 3 storey duplex blocks and 48 x 2 bed and 8 x 3 bed. in 2 no. 3 storey plus mansard floor blocks and associated development works and demolition of existing house.

Location 'The Orchard', Old Leixlip, Lucan, Co. Dublin.

App. Type Permission

Dear Sir/Madam,

With reference to your planning application, received on 13/03/98 in connection with the above, I wish to inform you that before the application can be considered under the Local Government (Planning & Development) Acts 1963-1993, the following **ADDITIONAL INFORMATION** must be submitted in quadruplicate:

- 1 The proposed development is considered to be excessive and substandard having regard to density, site layout, bulk and height of the proposed blocks taking into account the existing features of the site especially the original stone walling, and tunnel entrance the preservation of which is necessary, the site location and potential impact on the existing structures on adjacent sites and in the vicinity.

The provision for on-site car parking at 1.5 spaces per unit is deficient.

The applicant is requested to submit his proposals to show how these issues might be addressed in the development.

The applicant is advised to consult with the Planning Department, Parks Department and Roads Department prior to submission.

Frank Elmes and Co.
2 Waldemar Terrace,
Main Street,
Dundrum,
Dublin 14.

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- 2 The applicant is requested, at his own expense to submit a fully detailed Archaeological Assessment Report prepared by a fully qualified archaeologist on that part of the site which falls within the Area of Archaeological Potential to include details of the nature, extent, location and levels of any archaeological material found, based on excavation of trial trenches. Where material is found a fully detailed Archaeological Impact Statement should be included for submission with the report. The applicant is advised to consult with the Heritage Service prior to submission. While information in this regard has been submitted as Unsolicited Additional Information it must be relodged to give adequate time for assessment by all parties.
- 3 The applicant is requested to submit full details of the proposed outfall to the Griffeen River to serve the proposed development.
- 4 The full site coverage of all the blocks should be shown on the site layout plans and 1st floor terraces should be clearly distinguished from amenity open space.
- 5 All items of historical importance on the perimeter of the site should be clearly identified and drawings and specifications for their preservation submitted. The applicant should provide plans and elevations to indicate his proposals to preserve the tunnel.

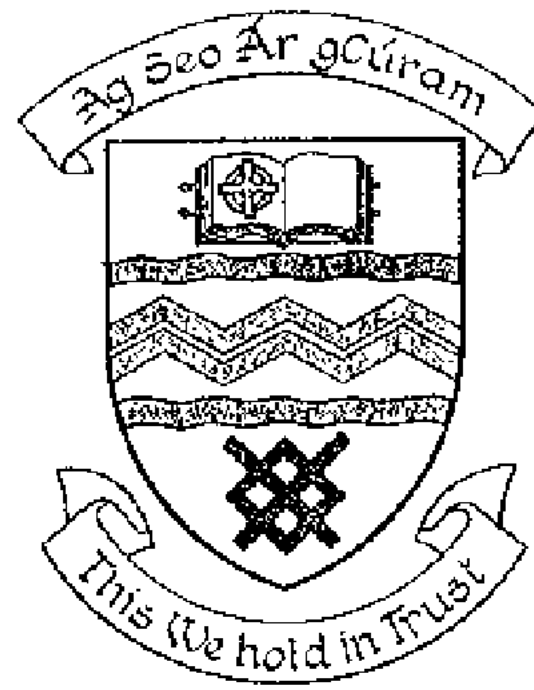
The applicant should consult with the Irish Architectural Archive and include copies of/or references to plans or drawings of the walled garden and its relationship to the rest of Lucan Demesne in terms of its history and architecture.

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Signed on behalf of South Dublin County Council

.....
for Senior Administrative officer

12/05/98