

	South Dublin County Council Local Government (Planning & Development) Acts 1963 to 1993 Planning Register (Part 1)	Plan Register No. S97A/0689
1. Location	Site bounded by Nutgrove Avenue, Grange Road and Loreto Terrace, Rathfarnham, Dublin 14.	
2. Development	Residential development, including the construction of an apartment block comprising 20 no. two bedroom apartments over two floors and a secondary two storey block containing 4 no. two bedroom apartments, with ancillary car parking and site works.	
3. Date of Application	22/10/97	Date Further Particulars (a) Requested (b) Received
3a. Type of Application	Permission	1. 1. 2. 2.
4. Submitted by	Name: Frank L. Benson and Partners, Address: Hainault House, 69-71 St. Stephens Green,	
5. Applicant	Name: Rathfarnham Medical Centre, Address: c/o W. Terence Liston and Company, Argyle House, 103-105 Morehampton Road, Donnybrook, Dublin 4.	
6. Decision	O.C.M. No. 4322 Date 17/12/97	Effect AP GRANT PERMISSION
7. Grant	O.C.M. No. Date	Effect AP GRANT PERMISSION
8. Appeal Lodged	16/01/98	Written Representations
9. Appeal Decision	15/07/98	Grant Permission
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: S97A/0689

APPEAL by Christopher B. Doyle and others care of 16 Loreto Terrace, Grange Road, Rathfarnham, Dublin and by Brigid Casey and others care of 2A Loreto Terrace, Rathfarnham, Dublin against the decision made on the 17th day of December, 1997 by the Council of the County of South Dublin to grant subject to conditions a permission to Rathfarnham Medical Centre care of Frank L. Benson and Partners of Hainault House, 69-71 Saint Stephen's Green, Dublin for development comprising a residential development, including the construction of an apartment block comprising 20 number two bedroom apartments over two floors and a secondary two-storey block containing four number two bedroom apartments with ancillary car parking and site works all on a site bounded by Nutgrove Avenue, Grange Road and Loreto Terrace, Rathfarnham, 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:

- (a) the zoning objective for the site in the current Development Plan for the area,
- (b) the planning history of the proposed development site and
- (c) the residential nature of the proposed development,

it is considered that the proposed development, subject to compliance with the conditions set out in the Second Schedule, would be consistent with the zoning objective, which is considered reasonable, would be compatible with the established domestic scale and character of development in the area, would not seriously injure the amenities of property in the area, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and development of the area.

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SECOND SCHEDULE

1. The proposed development shall be carried out in accordance with the plans, particulars and specifications lodged with the application as amended by the revised drawing number 95/21/P01 Revision A, received by the planning authority on the 10th day of December, 1997, except as may otherwise be required in order to comply with the following conditions.

Reason: To clarify the nature and extent of the development authorised by this grant of permission.

2. The site layout of the proposed development shall be revised to incorporate the following modifications:

- (a) The proposed apartment block at the eastern end of the site facing Loreto Terrace which would accommodate units numbers 1, 2, 13 and 14, shall be omitted.

- (b) The proposed entrance to the development on Loreto Terrace shall be relocated two metres (approximately) to the east of its proposed location to facilitate the provision of a two metre wide footpath along the western side of the access road.

- (c) The layout of the 'courtyard' area shall be revised. The number of car parking spaces shall be reduced to 30. No more than nine spaces shall be sited along the boundary with numbers 8 and 10, Nutgrove Avenue. Provision shall be made for the development of secure enclosed bicycle storage facilities, accessible and convenient refuse storage facilities and outdoor drying facilities and for additional areas of landscaped environmental open space. The land released by the omission of the block, referred to above, and which would be unaffected by the relocation of the entrance, shall be incorporated into this revised layout.

Revised drawings incorporating the above modifications shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of the amenities of adjoining properties and the residents of the proposed development.

3. In respect of balcony design,
 - (a) all balconies shall be constructed with solid floors and surface water shall be discharged to the surface water sewer,

- (b) a screen wall shall be provided between adjoining balconies.

Details of the screen wall shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development and the amenities of the residents.

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4. The boundaries of the site, other than the eastern boundary, shall be demarcated by a dwarf wall and railings. Details of the materials and finish shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

5. A 2.2 metre high screen block wall suitably capped and rendered, shall be provided along the eastern boundary of the site where it adjoins numbers 8 and 10, Nutgrove Avenue, unless otherwise agreed with the owners of these properties, in which case details of the said agreement shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of residential amenity.

6. A detailed landscaping and planting scheme for the overall development incorporating the modified layout, required under condition number 2 above, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. This scheme shall include a timescale for its completion.

Reason: In the interest of the visual and residential amenities of the area and the proposed development.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details of the arrangements shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of public health and to ensure a proper standard of development.

8. A management scheme for the future control and maintenance of the development site, including the adequate future maintenance of the landscaped areas, car parking areas and other communal facilities shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

9. Prior to the commencement of development, proposals for an apartment naming, apartment numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of orderly development.

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10. The materials, colours and textures of all the external finishes to the proposed apartment block shall be submitted to and agreed in writing with the planning authority prior to the commencement of construction of the apartments.

Reason: In the interest of orderly development and the visual amenities of the area.

11. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of amenity and public safety.

12. 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 of the access road, car parking areas, footpaths, watermains, drains, open spaces, communal facilities 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.

13. The developer shall pay a sum of money 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 the provision of public services facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be as agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

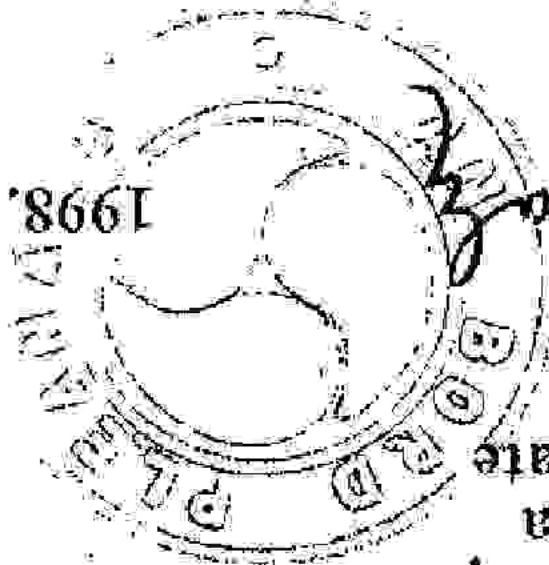
In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall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

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Kate Gorman
 Member of An Bord Pleanála
 duly authorised to authenticate
 the seal of the Board.

Dated this 15th day of *October* 1998.



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.

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.

The developer shall pay a sum of money 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 the provision and development of Class 1 public open space at Rathfarham Castle Park facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be as agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

15.

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.

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.

The developer shall pay a sum of money 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 improvement works and traffic management facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be as agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

14.

SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CHONTAE ÁTHA CLIATH THEAS



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

Decision Order Number 4322	Date of Decision 17/12/97
Register Reference S97A/0689	Date 22nd October 1997

Applicant Rathfarnham Medical Centre,

Development Residential development, including the construction of an apartment block comprising 20 no. two bedroom apartments over two floors and a secondary two storey block containing 4 no. two bedroom apartments, with ancillary car parking and site works.

Location Site bounded by Nutgrove Avenue, Grange Road and Loreto Terrace, Rathfarnham, Dublin 14.

Floor Area Sq Metres

Time extension(s) up to and including

Additional Information Requested/Received /

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 (20) on the attached Numbered Pages.
Signed on behalf of the South Dublin County Council.

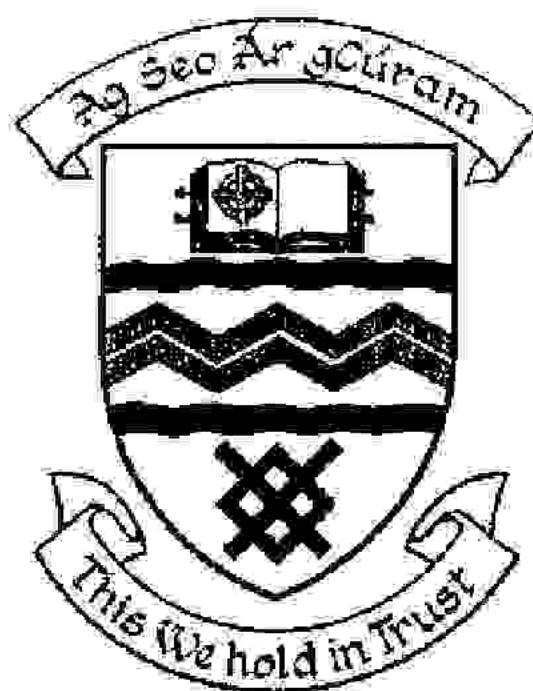
.....
for SENIOR ADMINISTRATIVE OFFICER. 18/12/97

Frank L. Benson and Partners,
Hainault House,
69-71 St. Stephens Green,
Dublin 2.

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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, 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 a 2m wide footpath shall be located on the West side of the access road.
REASON:
In the interest of safety.
- 3 The applicant shall submit a satisfactory scheme of hard and soft landscaping including the proposed programme for such works, for agreement with the Planning Authority. Plan to include provision for bicycle parking, refuse storage and other such communal facilities.
REASON:
In the interest of streetscape and the proper planning and development of the area.
- 4 That the north and south boundary walls accord with the line of the adjacent front boundary walls along Nutgrove Avenue and Loreto Terrace.
REASON:
In the interest of streetscape and the proper planning and development of the area.
- 5 In respect of balcony design

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- (a) all balconies be constructed with a solid floors and surface water shall be discharged to the surface water sewer.
- (b) a screen wall shall be provided between adjoining balconies which shall be harmonious with the proposed development.

REASON:

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

- 6 A dwarf wall and railing to be provided along the site boundary where it fronts a public road. Materials and finish to be of high quality and harmonious with existing and proposed development.

REASON:

In the interest of visual amenity and orderly development.

- 7 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.

- 8 That a 2.2m high screen block wall suitably capped and rendered be provided along the East boundary unless otherwise agreed with the adjoining neighbour in which instance details shall be submitted for written agreement with the Planning Authority.

REASON:

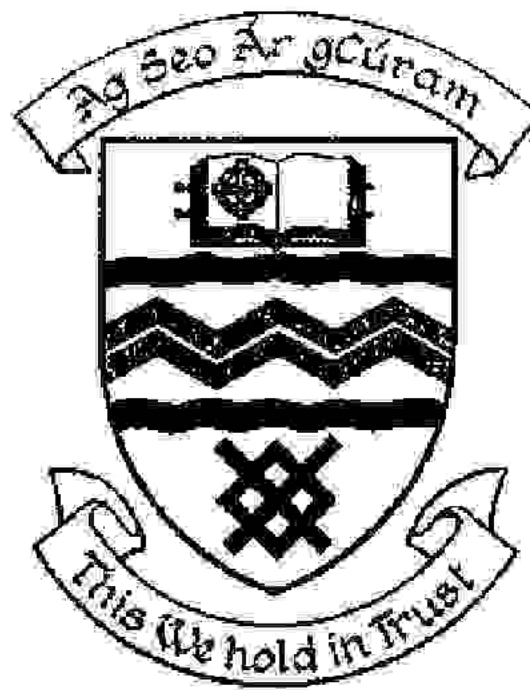
In the interest of residential amenity.

- 9 That all practicable noise abatement measures shall be taken in the development to ensure minimum disturbance from traffic.

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REASON:

In the interest of residential amenity.

- 10 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.

- 11 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.

- 12 That a scheme of lighting to be submitted for agreement with the Planning Authority prior to occupancy of apartments.

REASON:

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

- 13 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.

- 14 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:

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

- 15 That an acceptable naming and numbering scheme be submitted to and approved by the County Council before any constructional work takes place on the proposed apartments.
REASON:
In the interest of the proper planning and development of the area.
- 16 That the developer shall construct and maintain to the Council's standard for taking in charge all the roads, including footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development.
REASON:
In the interest of the proper planning and development of the area.
- 17 That a financial contribution in the sum of £3,600 (three thousand six hundred 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 reasonable that the developer should contribute towards the cost of providing the services.
- 18 That a financial contribution in the sum of money equivalent to the value of £19,200 (nineteen thousand two hundred 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

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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.

- 19 That a financial contribution in the sum of £12,000 (twelve thousand pounds) be paid by the proposer to South Dublin County Council towards the cost of the provision and development of Class 1 public open space at Rathfarnham Castle Park and which will facilitate the development; this contribution to be paid before the commencement of development on 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 the provision and development of amenity lands in the area which will facilitate the proposed development.

- 20 That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services including roads, open space, car parks, sewers, watermains or drains has been given by:-

A. Lodgement with the Council of an approved bond or letter of guarantee in the sum of £10,000 (ten thousand pounds)
OR...../

B. Lodgement with the Council of a cash sum of £10,000 (ten thousand pounds) to be applied by the Council at its absolute discretion if such services are not provided to its satisfaction.

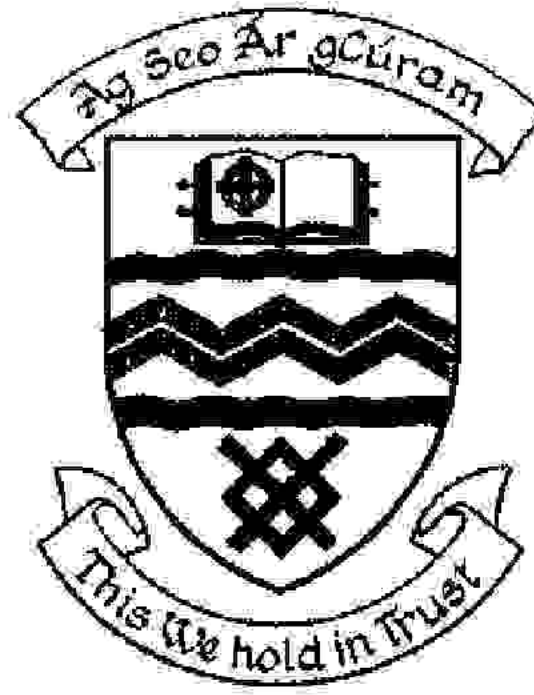
REASON:

To ensure that a ready sanction may be available to the

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Council to induce the provision of services and prevent
disamenity in the development.