

	South Dublin County Council Local Government (Planning & Development) Acts 1963 to 1993 Planning Register (Part 1)	Plan Register No. S97A/0114	
1. Location	Ballycullen Road (with access from Woodlawn Park), Ballycullen, Dublin 16.		
2. Development	Demolition of existing house and construction of seven two-storey townhouses and associated site development works on site.		
3. Date of Application	05/03/97	Date Further Particulars (a) Requested (b) Received	
3a. Type of Application	Permission	1. 22/05/97 2.	1. 30/05/97 2.
4. Submitted by	Name: Feargall Kenny Architect, Address: 9 Village Craft Centre, Cornelscourt, Dublin 18.		
5. Applicant	Name: Luxury Homes (Galway) Ltd., Address: Ballygaddy Road, Tuam, Co. Galway.		
6. Decision	O.C.M. No. 1521 Date 28/07/97	Effect AP GRANT PERMISSION	
7. Grant	O.C.M. No. Date	Effect AP GRANT PERMISSION	
8. Appeal Lodged	26/08/97	Written Representations	
9. Appeal Decision	25/02/98	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.	

Telefon: 01-462 0000
Fax: 01-462 0104

Telephone: 01-462 0000
Fax: 01-462 0104

Decision Order Number 1521	Date of Decision 28/07/97
Register Reference S97A/0114	Date 5th March 1997

Additional Information Requested/Received	22/05/97	/30/05/97
---	----------	-----------

Subject to the conditions (16) on the attached Numbered Pages.
Signed on behalf of the South Dublin County Council.

..... 28/07/97
for SENIOR ADMINISTRATIVE OFFICER

Page 1 of 7

SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CHONTAE ÁTHA CLIATH THEAS



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

Telefon: 01-462 0000

Facs: 01-462 0104

REG REF. S97A/0114

PLANNING
DEPARTMENT

P.O. Box 4122,
Town Centre, Tallaght,
Dublin 24.

Telephone: 01-462 0000

Fax: 01-462 0104

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 additional information received by the Planning Authority on 30/5/1997, 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 each proposed house be used as a single dwelling unit.
REASON:
To prevent unauthorised development.
- 3 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.
- 4 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.
- 5 That no dwellinghouse be occupied until all the services have been connected thereto and are operational.
REASON:
In the interest of the proper planning and development of the area.

SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CHONTAE ÁTHA CLIATH THEAS



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

Telefon: 01-462 0000

Facs: 01-462 0104

REG. REF. S97A/0114

PLANNING
DEPARTMENT

P.O. Box 4122,
Town Centre, Tallaght,
Dublin 24.

Telephone: 01-462 0000

Fax: 01-462 0104

- 6 That the water supply and drainage arrangements, including the disposal of surface water, be in accordance with the requirements of the County Council. In this regard the following, in particular, shall apply:-
- a. full separation of foul and surface water shall be implemented;
 - b. no building shall be within 5.0m of any sewer or watermain with the potential of being taken-in-charge;
 - c. the foundations of the proposed boundary wall at the entrance shall be taken down below the invert level of adjacent public watermain and public surface water sewer.

REASON:

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

- 7 That all watermain tapplings, branch connections, swabbing and chlorination be carried out by the County Council's, Environmental Services Department and that the cost thereof be paid to South Dublin County Council before any development commences.

REASON:

To comply with public health requirements and to ensure adequate standards of workmanship. As the provision of these services by the County Council will facilitate the proposed development it is considered reasonable that the Council should recoup the cost.

- 8 That an acceptable street naming and house numbering scheme be submitted to and approved by the County Council before any constructional work takes place on the proposed houses.

REASON:

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

SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CHONTAE ÁTHA CLIATH THEAS



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

Telefon: 01-462 0000
Facs: 01-462 0104

REG REF. S97A/0114

PLANNING
DEPARTMENT
P.O. Box 4122,
Town Centre, Tallaght,
Dublin 24.

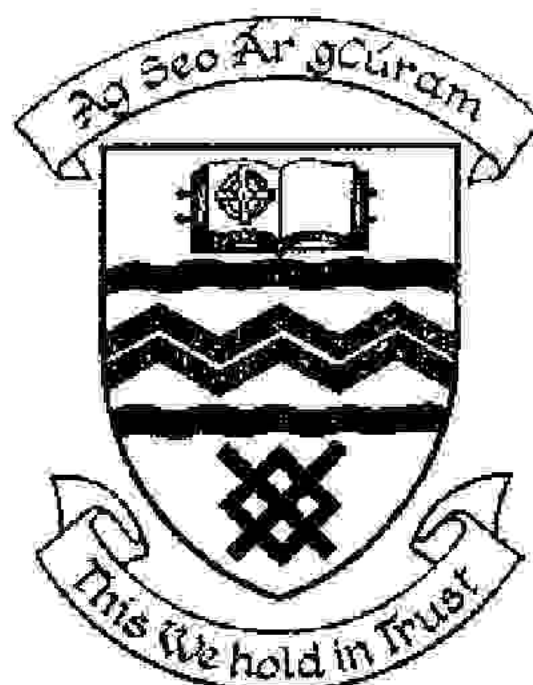
Telephone: 01-462 0000
Fax: 01-462 0104

- 9 The roadside boundary hedgerow along the Ballycullen Road boundary of the site shall be retained in full. The existing vehicular access to the site shall be closed-up permanently prior to the first occupation of any of the houses and a hedgerow of native species planted in its place as per drawing no. PPLA received by the Planning Authority on 30/5/97.
REASON:
In the interest of the proper planning and development of the area.
- 10 All first floor gable elevation windows shall be in obscure glazing.
REASON:
To preserve residential amenity in the interest of proper planning and development of the area.
- 11 The site shall be subject of a Management Agreement in line with the sample one submitted to the Planning Authority on 30/5/97.
REASON:
In the interest of the proper planning and development of the area.
- 12 The communal area in front of the proposed houses shall be laid out for parking and shall be suitably landscaped with a mixture of deciduous and evergreen species. Any trees to be retained should be suitably fenced-off to prevent damage.
REASON:
In the interest of visual amenity.

SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CHONTAE ÁTHA CLIATH THEAS

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

Telefon: 01-462 0000
Facs: 01-462 0104
REG. REF. S97A/0114



PLANNING
DEPARTMENT
P.O. Box 4122,
Town Centre, Tallaght,
Dublin 24.

Telephone: 01-462 0000
Fax: 01-462 0104

- 13 That a financial contribution in the sum of £3,000 (three thousand 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.
- 14 That a financial contribution in the sum of money equivalent to the value of £5,600 (five thousand six 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 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.
- 15 That a financial contribution in the sum of £3,500 (three thousand five hundred pounds) be paid by the proposer to South Dublin County Council towards the cost of the provision and development of public open space in the area of the proposed development and which will facilitate the

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



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

Telefon: 01-462 0000
Facs: 01-462 0104

**PLANNING
DEPARTMENT**
P.O. Box 4122,
Town Centre, Tallaght,
Dublin 24.

Telephone: 01-462 0000
Fax: 01-462 0104

REG REF. S97A/0114

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.

- 16 That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services, including maintenance, until taken in charge by the Local Authority for Roads, Open Spaces, Car Parks, Sewers, Watermains and Drains, has been given by:-
- a. Lodgement with the Council of an approved Insurance Company Bond in the sum of £5,000 (five thousand pounds) until such time as the Roads, Open Spaces, Car Parks, Sewers, Watermains and Drains are taken in charge by the Council.
Or./...
 - b. Lodgement with the Council of a Cash Sum of £5,000 (five thousand pounds) to be applied by the Council at its absolute discretion if such services are not duly provided to its satisfaction on the provision and completion of such services to standard specifications.
Or./...
 - c. Lodgement with the Planning Authority of a letter of guarantee issued by the Construction Industry Federation in respect of the proposed development, in accordance with the guarantee scheme agreed with Planning Authority.

REASON:

To ensure that a ready sanction may be available to the Council 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: 01-462 0000
Facs: 01-462 0104

REG. REF. S97A/0114



PLANNING
DEPARTMENT

P.O. Box 4122,
Town Centre, Tallaght,
Dublin 24.

Telephone: 01-462 0000
Fax: 01-462 0104

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

County South Dublin

Planning Register Reference Number: S97A/0114

APPEAL by John Byrne of 153 Woodlawn Park Grove, Firhouse, Dublin and others against the decision made on the 28th day of July, 1997 by the Council of the County of South Dublin to grant subject to conditions a permission to Luxury Homes (Galway) Limited care of Feargall Kenny of 9 Village Craft Centre, Cornelscourt, Dublin for development comprising the demolition of existing house and construction of seven two-storey townhouses and associated site development works on site at Ballycullen Road (with access from Woodlawn Park), Ballycullen, Dublin in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1993, 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 compatibility of the proposed development with the zoning objective for the site as set out in the current development plan for the area, which objective is considered reasonable and to the capacity of the existing estate road network and the road upon which the proposed entrance is to be located, 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, would be acceptable in terms of traffic safety and convenience and would otherwise 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 plans, particulars and specifications lodged with the planning authority on the 5th day of March, 1997, and the further information lodged on the 14th day of March, 1997, as modified by the additional information lodged on the 30th day of May, 1997, except as may otherwise be required by the following conditions.

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

lc

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 private development in the interest of residential amenity.

9. The site shall be landscaped in accordance with a landscaping scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include:

- (a) retention of the existing hedgerow along the Ballycullen Road frontage of the appeal site,
- (b) planting of a hedgerow along existing entrance to Ballycullen Road when it is permanently closed following the cessation of construction activity on the site,
- (c) provision of low level planting which shall not exceed the height of the proposed boundary wall in the vicinity of the entrance onto Woodlawn Park Grove,
- (d) a landscape management plan to include details of the measures to protect existing trees and shrubs during the construction phase, and
- (e) a timetable for the implementation of the scheme including details of phasing.

Reason: In the interest of visual amenity.

10. The side boundaries between the rear gardens of the proposed houses shall be delineated by 1.8 metres capped, rendered concrete block walls.

Reason: In the interest of residential amenity.

11. Details of an external lighting scheme for the communal areas within the proposed development shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of public safety and residential amenity.

LC

15. 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 in the area 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.

16. 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 public open space 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.

Lc

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



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

Telefon: 01-462 0000
Facs: 01-462 0104

**PLANNING
DEPARTMENT**
P.O. Box 4122,
Town Centre, Tallaght,
Dublin 24.

Telephone: 01-462 0000
Fax: 01-462 0104

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

Decision Order Number 0821	Date of Decision 01/05/97
Register Reference S97A/0114	Date 5th March 1997

Applicant Luxury Homes (Galway) Ltd.,
Development Demolition of existing house and construction of seven
 two-storey townhouses and associated site development
 works on site.

Location Ballycullen Road (with access from Woodlawn Park),
 Ballycullen, Dublin 16.

App. Type Permission

Dear Sir/Madam,

With reference to your planning application, received on 05/03/97 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 applicant is requested to demonstrate that the existing surface water system downstream of the proposed connection as far as the 375mm surface water sewer is capable of taking the increased flows from the site.
- 2 The applicant is requested to submit revised proposals to retain the existing hedgerow on the Ballycullen Road and to supplement it, if necessary by additional planting and a railings/fence on the inside of the hedge.
- 3 The applicant is requested to submit proposals for up to 14 car-parking spaces on site to eliminate possibility of parking in the turning area of Woodlawn Park.

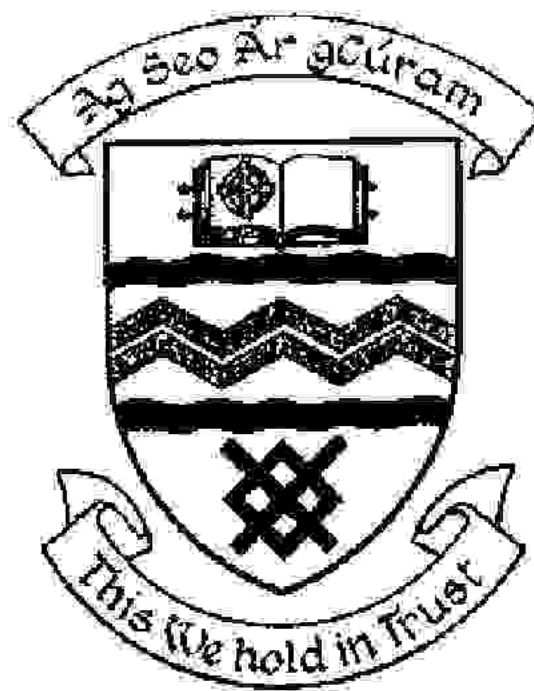
Feargall Kenny Architect,
9 Village Craft Centre,
Cornelscourt,
Dublin 18.

SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CHONTAE ÁTHA CLIATH THEAS

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

Telefon: 01-462 0000
Facs: 01-462 0104

REG REF. S97A/0114



PLANNING
DEPARTMENT
P.O. Box 4122,
Town Centre, Tallaght,
Dublin 24.

Telephone: 01-462 0000
Fax: 01-462 0104

- 4 The applicant is requested to submit a sample management agreement for the development.

Signed on behalf of South Dublin County Council

.....
for Senior Administrative Officer

01/05/97