

AN BORD PLEANALA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1983

County Dublin

Planning Register Reference Number: Y.A. 282

WHEREAS

on an appeal by Hibernian Trust Limited of 11, Newmarket, Dublin, An Bord Pleanála by order dated the 22nd day of August, 1984, granted permission for flat development on a site at "Shalimar", at the junction of Monastery Road, with the Naas Dual Carriageway, subject to the conditions specified in the said order:

AND WHEREAS

condition number 10 specified in the said order required that the developers should pay a sum of money to Dublin County Council as a contribution towards the provision of a public water supply and piped sewerage facilities in the area and that the amount to be paid was to be agreed between the developers and the said Council before development commenced or, failing agreement, was to be as determined by An Bord Pleanála:

AND WHEREAS

condition Number 11 specified in the said order required that the developers should pay a sum of money to the said Council as a contribution towards any expenditure incurred by the said Council in respect of road improvement works in the immediate area of the site and that any dispute arising between the parties in relation to the payment of the said contribution was to be determined by An Bord Pleanála.

AND WHEREAS

the said developers and the said Council failed to agree on the amounts to be paid to the said Council in compliance with the terms of the said conditions and the matter was referred to An Bord Pleanála for determination by the said Hibernian Trust Limited on the 30th day of November, 1984:

Contd./....

NOW THEREFORE

An Bord Pleanála in exercise of the powers conferred upon it by the Local Government (Planning and Development) Acts, 1963 to 1983, hereby determines that the amounts to be paid to the said Council in compliance with the terms of the said conditions shall be as follows:-

Condition Number 10: £27,000 (Twenty-seven thousand pounds)

Condition Number 11: £21,000 (Twenty-one thousand pounds)

J. Hannigan

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

Dated this *22* day of *May*

1986.



LOCAL GOVERNMENT (ROADS AND MOTORWAYS) ACT, 1974
NOTICE OF MODIFICATION OF PLANNING PERMISSION UNDER SECTION 8 OF THE ACT

To: Hibernian Trust Ltd.,
11 Newmarket St.,
Dublin 8.

PLANNING PERMISSION ORDER NO. PL6/5/63455 DATED 22/8/1984
REGISTRY REFERENCE NO. YA 282

- The County Council of the County of Dublin have made a Scheme pursuant to Section 4 of the Local Government (Roads and Motorways) Act, 1974 which is about to be submitted to the Minister for the Environment for approval. A copy of the Scheme and the relevant map may be seen at 2/3 Parnell Square, Dublin 1 between the hours of 9.30 am. to 12.30 pm. and 2.00 pm. to 4.30 pm. on the normal working days of the road authority.
- As the lands which are the subject of the above mentioned grant of planning permission are affected by the Scheme, i.e. Plot Nos. 31.p, 30.b, 30.a, 27.b/2, 31.c as indicated on Drawing Nos. SLA. 202/85, SLA. 134/85, SLA.50/85, SLA. 130/85, SLA. 52/85. And as the permitted development has not commenced/is not completed you are hereby notified that the grant of planning permission is hereby modified to the following extent:-

By the inclusion of an additional condition stating:-

- That no access shall be permitted to lands required for the motorway scheme.
REASON: To facilitate the construction of the motorway.
- The Minister may not approve the Scheme until he has caused a public local enquiry to be held into all matters relating to it and has considered the report of the enquiry and any objections made to the Scheme which have not been withdrawn.
- Written objections to the Scheme may be lodged with the Minister for the Environment and should be addressed to the Minister for the Environment at the Custom House, Dublin 1, so as to reach him before the 6th day of September 1985.

DATED THIS 25th DAY OF July 1985

Alan Carthy
SENIOR ADMINISTRATIVE OFFICER

LOCAL GOVERNMENT (ROADS AND MOTORWAYS) ACT, 1974
NOTICE OF MODIFICATION OF PLANNING PERMISSION UNDER SECTION 8 OF THE ACT

To: Hibernian Trust Ltd.,
Shelimar,
Monastery Road,
Clondalkin, Co. Dublin.

PLANNING PERMISSION ORDER NO. PL6/5/63455..... DATED ..22/8/1984.....
REGISTRY REFERENCE NO.YA.282.....

1. The County Council of the County of Dublin have made a Scheme pursuant to Section 4 of the Local Government (Roads and Motorways) Act, 1974 which is about to be submitted to the Minister for the Environment for approval. A copy of the Scheme and the relevant map may be seen at 2/3 Parnell Square, Dublin 1 between the hours of 9.30 am. to 12.30 pm. and 2.00 pm. to 4.30 pm. on the normal working days of the road authority.
2. As the lands which are the subject of the above mentioned grant of planning permission are affected by the Scheme, i.e. Plot Nos. 31.p, 30.b, 30.a, 27.b/2, 31.c as indicated on Drawing Nos. SLA. 202/85, SLA. 134/85, SLA. 50/85, SLA. 130/85, SLA. 52/85. And as the permitted development has not commenced/is not completed you are hereby notified that the grant of planning permission is hereby modified to the following extent:-
By the inclusion of an additional condition stating:-
 14. That no access shall be permitted to lands required for the motorway scheme.
REASON: To facilitate the construction of the motorway.
3. The Minister may not approve the Scheme until he has caused a public local enquiry to be held into all matters relating to it and has considered the report of the enquiry and any objections made to the Scheme which have not been withdrawn.
4. Written objections to the Scheme may be lodged with the Minister for the Environment and should be addressed to the Minister for the Environment at the Custom House, Dublin 1, so as to reach him before the 6th day of September 1985.

DATED THIS 25th DAY OF July 1985

A. J. Cahill
SENIOR ADMINISTRATIVE OFFICER

LOCAL GOVERNMENT (ROADS AND MOTORWAYS) ACT, 1974
NOTICE OF MODIFICATION OF PLANNING PERMISSION UNDER SECTION 8 OF THE ACT

To: Hibernian Trust Ltd.,
Fortfield House,
Fortfield Road,
Dublin 6.

PLANNING PERMISSION ORDER NO. ... PL6/5/63455 ... DATED ... 22/8/1984 ...
REGISTRY REFERENCE NO. ... YA. 282 ...

1. The County Council of the County of Dublin have made a Scheme pursuant to Section 4 of the Local Government (Roads and Motorways) Act, 1974 which is about to be submitted to the Minister for the Environment for approval. A copy of the Scheme and the relevant map may be seen at 2/3 Parnell Square, Dublin 1 between the hours of 9.30 am. to 12.30 pm. and 2.00 pm. to 4.30 pm. on the normal working days of the road authority.
2. As the lands which are the subject of the above mentioned grant of planning permission are affected by the Scheme, i.e. Plot Nos. 31.p, 30.b, 30.a, 27.b/2, 31.c as indicated on Drawing Nos. SLA. 202/85, SLA. 134/85, SLA.50/85, SLA. 130/85, SLA. 52/85 And as the permitted development has not commenced/is not completed you are hereby notified that the grant of planning permission is hereby modified to the following extent:-
By the inclusion of an additional condition stating:-
14. That no access shall be permitted to lands required for the motorway scheme.
REASON: To facilitate the construction of the motorway.
3. The Minister may not approve the Scheme until he has caused a public local enquiry to be held into all matters relating to it and has considered the report of the enquiry and any objections made to the Scheme which have not been withdrawn.
4. Written objections to the Scheme may be lodged with the Minister for the Environment and should be addressed to the Minister for the Environment at the Custom House, Dublin 1, so as to reach him before the ^{6th} day of ~~September~~ ^{July} 1985.

DATED THIS 25th DAY OF July 1985

Alan Carthy
SENIOR ADMINISTRATIVE OFFICER

AN BORD PLEANALA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1983

County Dublin

Planning Register Reference Number: YA 282

APPEAL by Hibernian Trust Limited, of 11, Newmarket, Dublin, against the decision made on the 7th day of April, 1983, by the Council of the County of Dublin to refuse permission for development consisting of the erection of 104 flats in 13 two-storey blocks on a site at "Shalimar," Monastery Road Junction with Naas Dual Carriageway, 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 1983, it is hereby decided, for the reasons 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 column 1 of the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in column 2 of the said Second Schedule and the said permission is hereby granted subject to the said conditions.

FIRST SCHEDULE

The development, if undertaken in accordance with the conditions set out in the Second Schedule hereto, would provide for the satisfactory provision of open space while allowing for development which would be compatible with future adjoining residential development and would be in accordance with the proper planning and development of the area.

SECOND SCHEDULE

Column 1 - Conditions	Column 2 - Reasons for Conditions
<p>1. Blocks numbers 8 to 13 shall be omitted from the development.</p>	<p>1. The open space zoning objective as contained in the Dublin County Development Plan is considered reasonable for this section of the holding and the proposed development, it is considered, would seriously encroach into this area which forms a natural extension to the existing and planned public open space north of the proposed development, open space which runs alongside and west of the Western Parkway route and the line of the rapid rail transit and which acts both as a buffer zone and as an area for recreational open space.</p>

Column 1 - Conditions	Column 2 - Reasons for Conditions
<p>2. The layout and development of the area containing blocks numbers 1 to 7 shall be carried out according to the site layout plan as submitted - Drawing No. 004 - with the front boundary wall set back for the site's entire frontage along Monastery Road and with one access only serving the development and the existing "Shalimar" dwellinghouse.</p> <p>3. A minimum separation distance of 21 metres shall be provided between the rears of apartment blocks numbers 4 and 5 and also between the rears of apartment blocks numbers 2 and 3.</p> <p>4. A 1.5 metre wide footpath shall be constructed along one side of the main access road within the development.</p> <p>5. Detailed landscaping plans including plans for the preservation of the trees west of "Shalimar" (those not affected by road proposals) and plans for boundary treatment shall be submitted to the planning authority for agreement before development commences. The landscaping plans shall be carried out on the site within one year of the commencement of the development.</p> <p>6. A strip 30 metres wide, east of block number 7 and "Shalimar", shall be reserved for use as public open space in conjunction with the development and this area shall be levelled, soiled, seeded and landscaped to the satisfaction of the planning authority.</p> <p>7. All public services for the proposed development including electrical, communal television, telephone cables and equipment shall be located underground throughout the site.</p>	<p>2. In the interests of the proper planning and development of the area and in the interests of traffic safety.</p> <p>3. In the interests of safeguarding the residential amenities of the proposed apartments.</p> <p>4. In the interests of public safety.</p> <p>5. In the interests of visual amenity.</p> <p>6. In the interests of the amenities of future residents of the apartments.</p> <p>7. In the interests of the visual amenities of the area.</p>

contd./...

Column 1 - Conditions

Column 2 - Reasons for Conditions

8. The internal road system together with the amenity open space and ancillary services shall remain in private ownership and shall not be taken in charge by the planning authority. A management scheme for the future maintenance of the entire development shall be submitted to and agreed in writing by the planning authority prior to the commencement of development on the site.
9. Before the development is commenced the developers shall lodge with the planning authority a bond or other suitable guarantee in a sum to be agreed between the planning authority and the developers as security for the satisfactory completion of the development.
10. The developers shall pay a sum of money to the Dublin County Council as a contribution towards the provision of a public water supply and piped sewerage facilities in the area. The amount to be paid and the time and method of payment shall be agreed between the developers and the said Council, before development commences or, in the event of disagreement, shall be as determined by An Bord Pleanala.
11. The developers shall pay a sum of money to the Dublin County Council as a contribution towards any expenditure incurred by the Council in respect of road improvement works in the immediate area of the site. The Council shall pay interest to the developers on any such sums they had paid so long as they remain unexpended on the provision of such facilities and shall refund to them any such sums or portion thereof which remain unexpended after a period of 5 years from the date of receipt. The time and method of payment and the rate of interest payable shall be agreed between the parties before development commences. Any dispute arising between the parties shall be determined by An Bord Pleanala.

8. In the interests of the proper planning and development of the area.
9. To ensure the satisfactory completion of the development.
10. The provision of such services in the area by the planning authority will facilitate the proposed development. It is considered reasonable that the developers should contribute towards the cost of providing the services.
11. It is considered reasonable that a contribution should be made towards the cost of road improvement works which would facilitate the development.

Column 1 - Conditions	Column 2 - Reasons for Conditions
<p>12. Water supply and drainage arrangements shall comply in all respects with the requirements of the planning authority.</p> <p>13. A public lighting scheme shall be installed in accordance with the requirements of the planning authority.</p>	<p>12. In the interests of orderly planning and development of the area.</p> <p>13. In the interests of orderly development.</p>

John Hayes

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

Dated this 30th day of August 1984

DUBLIN COUNTY COUNCIL

Phone 724755
Ext.: 262/264

PLANNING DEPARTMENT
Block 2
Irish Life Centre
Lower Abbey Street
Dublin 1

NOTIFICATION OF A DECISION TO REFUSE:

~~OUTLINE PERMISSION~~ ~~PERMISSION~~ ~~APPROVAL~~
LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS, 1963-1982

To:

..... **J.F. O'Deckery,** Register Reference No. **YA 282**
..... **13 Leeson Park Ave.,** Planning Control No.
..... **Appian Way,** Application Received **21/2/83**
..... **Dublin 6,** Additional Inf. Recd.

APPLICANT **Hibernian Trust**

In pursuance of its functions under the above mentioned Acts the Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by order, P/**4/782/83**..... dated**7/4/83**..... decide to refuse:

~~OUTLINE PERMISSION~~ ~~PERMISSION~~ ~~APPROVAL~~

For **104 flats in 13 two-storey blocks in grounds of "Shalimar", Monastery Road**
..... **junction with Naas Dual Carriageway**

for the following reasons:

1. The site is located in an area zoned 'F' in the Development Plan, i.e. "to preserve and provide for open space and recreational amenities". The proposed development would be seriously at variance with this objective and seriously injurious to the amenities of the area.
2. The site is affected by the reservation for the interchange between the Naas Road and the Western Parkway.
3. An entrance/exit on to the substandard Monastery Road at the point shown on the lodged plans would endanger public safety by reason of a traffic hazard.
4. There are no public water supply or piped sewerage facilities available to serve the proposal.
5. The proposed development would be premature by reason of the said existing deficiency in the provision of public water supply and piped sewerage facilities and the period within which such deficiency may reasonably be made good.
6. The area identified as a park is, in fact, a disused quarry. Insufficient information has been submitted with regard to the development of this area.
7. The density of the development is excessive.
8. The Road layout with a 15ft. carriageway and no footpath or public grass margin is completely inadequate, and does not conform with the Building Bye-Laws.
9. The applicant has not taken into consideration/existing 150mm, watermain crossing the site.
10. Insufficient information has been submitted in respect of the maintenance of the flats and the areas of open space attaching to them and the area of park.
11. Insufficient details of boundary treatment has been submitted.

Signed on behalf of the Dublin County Council
for PRINCIPAL OFFICER

Date...**7th April, 1983**.....

NOTE: An appeal against the decision may be made to An Bord Pleanala by the applicant within one month from the date of receipt by the applicant of this notification or by any other person within twenty-one days of the date of the decision. The appeal shall be in writing and shall state the subject matter of the appeal and grounds of the appeal and should be addressed to An Bord Pleanala, Irish Life Centre, Dublin 1, When an appeal has been duly made and has not been withdrawn, An Bord Pleanala will determine the application for permission as if it had been made to them in the first instance.