

	South Dublin County Council Local Government (Planning & Development) Acts 1963 to 1999 and Planning & Development Act 2000 Planning Register (Part 1)	Plan Register No. S00A/0574	
1. Location	Grounds of Brookfield House adjoining the river Cammock and Riverside, Ninth Lock Road, Clondalkin, Dublin 22, with access from Ninth Lock Road and Watery Lane. (via Riverside Estate).		
2. Development	Mixed development consisting of 90 apartments and 5,747 m2 (gross) of office-based industry in a 3/4 storey development over basement car parking on 1.4 hectare site.		
3. Date of Application	15/08/00	Date Further Particulars (a) Requested (b) Received	
3a. Type of Application	Permission	1. 2.	1. 2.
4. Submitted by	Name: Mc Crossan O'Rourke Architects, Address: 12 Richmond Row, Portobello Harbour,		
5. Applicant	Name: Blakefern Ltd., Address: 11 Woodstown Centre, Ballycullen, Dublin 16.		
6. Decision	O.C.M. No. 2222 Date 13/10/2000	Effect AP GRANT PERMISSION	
7. Grant	O.C.M. No. Date	Effect AP GRANT PERMISSION	
8. Appeal Lodged	09/11/2000	Written Representations	
9. Appeal Decision	08/03/2001	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

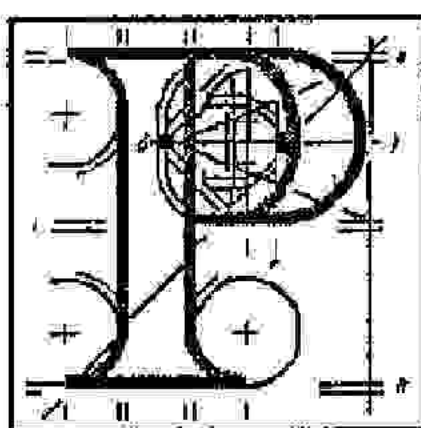
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Registrar

Date

Receipt No.

An Bord Pleanála



LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1999

County South Dublin

Planning Register Reference Number: S00A/0574

APPEAL by Yvonne Lattin and Others of 17 Riverside, Clondalkin Village, Dublin and by Blakefern Limited care of McCrossan O'Rourke of 12 Richmond Row, Portobello Harbour, Dublin against the decision made on the 13th day of October, 2000 by the Council of the County of South Dublin to grant subject to conditions a permission to the said Blakefern Limited for a mixed development comprising 90 apartments and 5,747 square metres of office based industry in a three/four storey block over basement car parking with access from Ninth Lock Road and Watery Lane (via Riverside Estate) on a 1.42 hectare site being the grounds of Brookfield House adjoining the River Cammock and Riverside, Ninth Lock Road, Clondalkin, Dublin in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1999, 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 specific local objective for the site as set out in the current Development Plan for the area, which seeks to facilitate residential development together with an open space/walkway along the northern bank of the Cammock River,
- the provisions of the Clondalkin Integrated Area Action Plan,
- the Residential Density Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in September 1999,
- the location of the site in close proximity to the centre of Clondalkin Village and associated public transport services,

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.

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SECOND SCHEDULE

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the drawings received by the planning authority on the 28th day of August, 2000, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed office units shall be used only for the purpose of office based activities concerned with the output of a specified product or service in accordance with policy E5 of the South Dublin County Development Plan and shall not be used as offices for other purposes without a prior grant of planning permission for such change of use.

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

3. Prior to commencement of development works, the developer shall submit revised drawings to the planning authority for written agreement incorporating the following amendments:

- (a) The omission of the proposed duplex apartments at upper ground and first floor levels in block D and the provision of four two bedroom apartments similar to those proposed at lower ground floor level with suitable modifications to provide for satisfactory access to all units,
- (b) the fenestration of that portion of the east-facing elevation of block G south of the core shall be redesigned in a more opaque fashion to ensure that no overlooking occurs in relation to apartment windows in the western elevation of Block A,
- (c) the provision of suitable privacy screens to balconies to avoid undue overlooking of adjacent balcony and garden areas,
- (d) the omission of the fourth floor balcony to the east side of block A and the omission of the living room bay windows at the end elevations of block D and the east elevation of block E, and
- (e) 324 car parking spaces shall be provided within the site. The additional spaces shall be located at basement level.

Reason: In the interest of residential amenity and to ensure off-street car parking is available to serve the development.

4. 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.

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

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

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

6. Prior to commencement of construction of the apartments, details of the materials, colours and textures of all the external finishes shall be submitted to the planning authority for agreement.

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

7. According as each block is occupied, public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

Reason: In the interest of amenity and public safety.

8. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenities and public safety.

9. Prior to commencement of development, proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development.

10. Prior to commencement of development, a management scheme providing adequate measures relating to the future maintenance of private open spaces, roads and communal areas in a satisfactory manner shall be submitted to the planning authority for agreement.

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

11. Prior to the commencement of development, a landscaping scheme shall be submitted to the planning authority for agreement. This scheme shall include a detailed plan for the proposed riverside walkway along the Cammock River and details of all existing trees and hedgerows on site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.

Reason: In the interest of visual amenity.

12. The areas shown as public open space on the lodged plans shall be reserved for such use and shall be soiled, seeded, levelled and landscaped in accordance with a detailed scheme, including a timetable for implementation, to be agreed with the planning authority.

Reason: In the interest of the amenities of the occupants of the proposed housing.

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

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

Prior to the commencement of development, a report containing the results of the assessment shall be submitted to the planning authority. Arising from this assessment, the developer shall agree with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be determined by An Bord Pleanála.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

14. Prior to commencement of development, the developer shall pay the sum of £112,996 (one hundred and twelve thousand, nine hundred and ninety six pounds) [€143,475.32] (one hundred and forty three thousand four hundred and seventy five euro and thirty-two 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 services 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.

15. Prior to commencement of development, the developer shall pay the sum of £303,387 (three hundred and three thousand three hundred and eighty seven pounds) [€385,222.02] (three hundred and eighty five thousand two hundred and twenty two euro and two 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 road improvements and traffic management measures 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.

16. Prior to commencement of development, the developer shall pay the sum of £65,250 (sixty five thousand two hundred and fifty pounds) [€82,850.41] (eighty two thousand eight hundred and fifty euro and forty-one 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 open space 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.

17. Prior to commencement of development, the developer shall pay the sum of £2,549 (two thousand five hundred and forty nine pounds [€3,236.56] (three thousand two hundred and thirty six euro and fifty-six 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 upgrading of Watery Lane foul sewer 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 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 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.



Brian Hunt

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

Dated this 8th day of March 2001.