

COMHAIRLE CHONTAE ÁTHA CLIATH

File Reference 10752	LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT 1963 & 1976 PLANNING REGISTER		REGISTER REFERENCE BA1475								
1. LOCATION	Boden Park, Scholarstown Road, & Ballyboden Road Scholarstown, Co. Dublin										
2. PROPOSAL	141 dwellings										
3. TYPE & DATE OF APPLICATION	TYPE P.	Date Received 1.9.78	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left; padding: 2px;">Date Further Particulars</th> </tr> <tr> <th style="width: 50%; text-align: left; padding: 2px;">(a) Requested</th> <th style="width: 50%; text-align: left; padding: 2px;">(b) Received</th> </tr> <tr> <td style="padding: 2px;">1.</td> <td style="padding: 2px;">1.</td> </tr> <tr> <td style="padding: 2px;">2.</td> <td style="padding: 2px;">2.</td> </tr> </table>	Date Further Particulars		(a) Requested	(b) Received	1.	1.	2.	2.
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1.	1.										
2.	2.										
4. SUBMITTED BY	Name Fergal MacCabe, Address 33 Fitzwilliam Place, Dublin 2.										
5. APPLICANT	Name Viscount Securities, Ltd., Address 13 Merrion Square, Dublin 2.										
6. DECISION	O.C.M. No. P/4384/78 Date 27/10/78	Notified 27th October 1978 Effect To refuse permission									
7. GRANT	O.C.M. No. Date	Notified Effect									
8. APPEAL	Notified 13th Nov. 1978 Type 1st Party		Decision 8th June, 1979 Effect Permission Granted by An Bord Pleanála.								
9. APPLICATION SECTION 26 (3)	Date of application	Decision Effect									
10. COMPENSATION	Ref. in Compensation Register										
11. ENFORCEMENT	Ref. in Enforcement Register										
12. PURCHASE NOTICE											
13. REVOCATION or AMENDMENT											
14.											
15.											
16.											
Prepared by Checked by		Copy issued by Registrar. Date Co. Accts. Receipt No.									
Grid Ref.	O.S. Sheet										

DUBLIN COUNTY COUNCIL

Telephone 712355
Ext: 143/145

PLANNING DEPARTMENT
46/49 Dame Street,
Dublin 2.

NOTIFICATION OF A DECISION TO REFUSE:

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

LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS, 1963 & 1976

To;

Fergal MacCabe Esq.,

33, Fitzwilliam Place,

Dublin 2.

Register Reference No... **R.A. 1475**

Planning Control No... **10752**

Application Received... **1/9/78**

Additional Inf. Recd.

APPLICANT

Viscount Securities Limited

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/ **4384/78**, dated **27/10/78**, decide to refuse:

~~OUTLINE PERMISSION~~

PERMISSION

~~APPROVAL~~

For... **proposed 141 dwellings at Boden Park, Scholarstown & Ballyboden Road, Scholarstown,**

Co. Dublin,

for the following reasons:

1. The proposed development for the erection of 141 No. dwellinghouses with main access to Ballyboden Road, over lands outside the applicants' ownership and control would be premature pending the availability of the necessary lands required for the east-west distributor road and the completion and construction of the proposed east-west distributor road.
2. The proposed development which envisages temporary access to Scholarstown Road and to the existing residential development at the west side of the site would endanger public safety by reason of traffic hazard because of the generation of additional vehicular turning movements to and from the existing inadequate Scholarstown Road.
3. The proposed development makes no provision for a reservation for major improvements to the existing Ballyboden Road at its junction with Taylor's Lane.
4. The area designated as open space in the proposed development is seriously affected by the reservation for major improvements to the Ballyboden Road and, as a result, the proposed development does not comply with minimum open space standards as set out in the Development Plan.

Signed on behalf of the Dublin County Council

AAB
for PRINCIPAL OFFICER

Date... **27th October, 1978.**

NOTE: An appeal against the decision may be made to An Bord Pleanála 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 Pleanála, Holbrook House, Holles Street, Dublin 2 and accompanied by a deposit of £10. When an appeal has been duly made and has not been withdrawn An Bord Pleanála will determine the application for permission as if it had been made to them in the first instance.

FUTURE PRINT

PL. 6/5/43889

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 AND 1976

County Dublin

Planning Register Reference Number: R.A. 1475

FINANCIAL
CONTRIBUTION :-

AMOUNT £

APPEAL by Viscount Securities Limited of 13, Merrion Square, Dublin 1 against the decision made on the 17th day of October, 1978, by the Council of the County of Dublin deciding to refuse to grant a permission for housing development on two sites at Boden Park, Scholarstown Road, and Ballyboden Road, in accordance with plans and particulars lodged with the said Council, the said sites being shown as sites B and C on the said plans:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 and 1976, it is hereby decided, for the reasons set out in the First Schedule hereto, to grant permission for housing development on the said sites 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

Provided the conditions set out in the Second Schedule are complied with, it is considered that the proposed development would accord with the proper planning and development of the area.

SECOND SCHEDULE

Column 1 - Conditions

1. The land under the control of the developers required for the construction of the proposed north/south distributor road and the proposed east/west dual carriageway road shall be reserved free of development.
2. The section of the proposed north/south distributor road within Site B shall together with associated footpaths and verges be constructed by the developer to the standard requirements of the planning authority.
3. The provision of houses on site C shall be dependent on a prior agreement between the developer and the planning authority regarding,

Column 2 - Reasons for Conditions

1. To provide for anticipated future road works.
2. and 3. To ensure an adequate road to serve the proposed development and to ensure that the system is such that it can be properly integrated with the road system envisaged by the planning authority for the area generally.

Contd./.....

SECOND SCHEDULE

Column 1 - Conditions	Column 2 - Reasons for Conditions
<p>the construction of the portion of distributor road northwards from the section referred to in Condition 2 so as to connect with the southern carriageway of the proposed east/west dual carriageway road and the construction eastwards from that junction of the southern portion of the said dual carriageway to the point shown X on the lodged plans.</p> <p>4. The access as shown on the lodged plans from Site B to the southern portion of the east/west dual carriageway shall not be constructed.</p> <p>5. A play space shall be provided at the western end of Site C.</p> <p>6. The stream at the northern boundary of site C shall be culverted if necessary.</p> <p>7. Pedestrian access shall be provided to the schools to the north of the site C</p> <p>8. Houses numbered 1 to 14 inclusive, on site B, as shown on the lodged plans, shall be omitted from the proposed development and the area affected, together with the remainder of the triangular area at the north-western corner of site B bounded by (i) the proposed north/south distributor road, (ii) the access road serving site B on to which houses numbered 15 to 40 inclusive front, and (iii) the proposed east/west dual carriageway road, shall be reserved free from development in order to provide for community facilities, a small local shopping element and, possibly, an open space area.</p>	<p>4. The construction of the southern carriageway of the proposed east/west road will facilitate access to Site C and will make the provision of access from Site B both unnecessary and undesirable.</p> <p>5. In the interests of the amenities of the future occupants of the house</p> <p>6. In the interests of public safety</p> <p>7. To facilitate school-going children.</p> <p>8. It is considered desirable that this part of the site should be reserved for such facilities to serve the future occupants of the proposed houses and of the area generally.</p>

Contd./.....

SECOND SCHEDULE

Column 1 - Conditions	Column 2 - Reasons for Conditions
<p>9. The areas outlined in green and marked "Open Space" on the lodged layout plan, excluding the "open space" lying within the triangular part of site B shall be reserved for use as public open space and shall be sowed, seeded and landscaped and shall be available for use of residents when houses on the relevant sections of the estate are ready for occupation. The trees which it is proposed to retain shall be preserved and the additional planting proposed on the open space areas and along the road verges and site boundaries shall be carried out before houses on the relevant sections of the estate are occupied.</p>	<p>9. In the interests of the amenities of the future occupants of the houses</p>
<p>10. All public services for the proposed development including electrical, communal television and telephone cables and equipment shall be located underground throughout the entire site.</p>	<p>10. In the interests of visual amenity</p>
<p>11. Public lighting shall be provided in accordance with the planning authority's standard requirements for such a service.</p>	<p>11. In the interests of amenity and public safety.</p>
<p>12. 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 the development is commenced or, failing agreement, shall be as determined by An Bord Pleanála.</p>	<p>12. The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developers should contribute towards the cost of providing the services.</p>
<p>13. Before the development is commenced the developers shall lodge with the Dublin County Council 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 said Council or roads,</p>	<p>13. To ensure the satisfactory completion of the development.</p>

Contd./....

SECOND SCHEDULE

Column 1 - Conditions	Column 2 - Reasons for Conditions
footpaths, sewers, watermains, drains, public open space, playlots, public lighting and other services required in connection with the development, coupled with an agreement empowering the said Council to apply such security or part thereof for the satisfactory completion and maintenance as aforesaid of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developers or, failing such agreement shall be as directed by An Bord Pleanála.	

M. J. McFADDEN

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

Dated this 8th day of June 1979.

