

COMHAIRLE CHONTAE ÁTHA CLIATH

File Reference P.C. 9493/13914	LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT 1963 PLANNING REGISTER		REGISTER REFERENCE M. 3167
1. LOCATION	Palmerstown Upper		
2. PROPOSAL	Housing Development		
3. TYPE & DATE OF APPLICATION	TYPE P.	Date Received 9th Dec. 1977	Date Further Particulars (a) Requested 1. _____ 2. _____ (b) Received 1. _____ 2. _____
4. SUBMITTED BY	Name Woodfarm Homes Ltd., Address 46 Upper Mount Street, Dublin 2.		
5. APPLICANT	Name Woodfarm Homes Limited, Address 46 Upper Mount Street, Dublin 2.		
6. DECISION	O.C.M. No. P/423/78 Date 8/2/78	Notified 8th February, 1978 Effect Permission Refused	
7. GRANT	O.C.M. No. Date	Notified Effect	
8. APPEAL	Notified 14/2/78 Type 1st Party=	Decision 1st December 1978 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		

PL. 6/5/41371

AN BORD PLEANÁLA

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

County Dublin

Planning Register Reference Number: M. 3167

APPEAL by Woodfarm Homes Limited, of 46 Upper Mount Street, Dublin, against the decision made on the 8th day of February, 1978, by the Council of the County of Dublin, deciding to refuse to grant a permission for housing development on land at Palmerstown Upper, in accordance with plans and particulars lodged with the said Council:

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 the said housing 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

It is considered that, having regard to the changed circumstances in respect of the route of the motorway reservation, the upholding of the zoning objective for the land contained in the development plan could not be justified and that provided the conditions set out in the Second Schedule are complied with the proposed development would be in accordance with the proper planning and development of the area.

SECOND SCHEDULE

<u>Column 1 - Conditions</u>	<u>Column-2 Reasons for Conditions</u>
1. The developers shall pay the sum of £4160 per acre to the Dublin County Council as a contribution towards the provision of a public water supply and piped sewerage facilities in the area. Arrangements for payment shall be as agreed between the developers and the Council before development is commenced or, failing agreement, shall be as determined by an Bord Pleanála.	1. 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.

(Contd.)

SECOND SCHEDULE (Contd.)

Column 1 - Conditions	Column 2 - Reasons for Conditions
<p>2. 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 of roads, foot-paths, sewers, watermains, drains, public open spaces, 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 or maintenance as aforesaid or 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.</p>	<p>2. To ensure the satisfactory completion of the development.</p>
<p>3. No houses shall be occupied until adequate sewerage facilities are available to serve them.</p>	<p>3. In the interests of public health.</p>
<p>4. 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>4. In the interests of visual amenity.</p>
<p>5. Public lighting shall be provided in accordance with the planning authority's standard requirements for such works.</p>	<p>5. To ensure that street lighting of adequate standard is provided in the interests of amenity and public safety.</p>
<p>6. Roads and footpaths shall be constructed in accordance with the planning authority's standard requirements for such works; In this regard, a proper turning bay shall be provided at the end of road number 2.</p>	<p>6. To ensure that these parts of the development comply with satisfactory standards.</p>
<p>7. The areas shown as open spaces on the lodged plans shall be reserved as public open spaces and shall be soiled, seeded, levelled and landscaped and shall be made</p>	<p>7. In the interests of the amenities of the future residents of the houses.</p>

(Contd.)

SECOND SCHEDULE (Contd.)

Column 1 - Conditions	Column 2 - Reasons for Conditions
available for use of residents when the houses are ready for occupation.	
8. Before the development commences, the reservation for the motorway shall be set out on site in consultation with the planning authority.	8. To ensure that the development as proposed does not interfere with the said reservation.

JOHN S. CONWAY

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

Dated this *1st* day of *December* 1978.



DUBLIN COUNTY COUNCIL

TELEPHONE: 742951 (EXT. 143 and 145)

Planning Department,
46-49 Dame Street,
Dublin 2.

NOTIFICATION OF A DECISION REFUSING:

~~OUTLINE PERMISSION~~; PERMISSION; ~~APPROVAL~~;
LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACT, 1963.

To: *Woodfarm Homes* Healy Homes Limited,
46, Upper Mount Street,
Dublin 2.

Register Reference No.: M.3167

Planning Control No.: 9493/.....
13914

Application received: 9/12/77

APPLICANT: Woodfarm Homes Limited.

In pursuance of its functions under the above mentioned Act the Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by order *P/423/78* dated *8/2/78* refuse:

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

for Housing development at Palmerstown Upper.

for the following reasons:

1. The proposed development is located in an area for which the County Development-Plan 1972 zoning objective is "to preserve open space amenity". The proposed development would be contrary to the proper planning and development of the area as it would be in conflict with the above objective and militate against the preservation of open space.
2. There are no public sewerage facilities available to serve the proposed development as the existing pipe capacity is fully taken up with present demand and existing commitments and there is no question of providing additional facilities to serve the lands for which planning permission is now sought.
3. The proposed development would be premature by reason of the said existing deficiency in the provision of sewerage facilities and the period within which such deficiency may reasonably be expected to be made good.
4. The lodged plans are insufficiently detailed to enable the Planning Authority to determine the precise accuracy of the setting out of the Motorway, but house number 41 appears to be located less than 100-ft. from the boundary of the proposed motorway.
5. The development cannot be constructed as proposed as the vehicular access which would have to be constructed to the site lies outside the curtilage of the site. It is considered that any development of these lands should incorporate the necessary realignment of Kennelsfort Road from the existing Kennelsfort Road to the limit of the grounds of the adjoining cemetery.
6. The proximity of sites 89 to 104 incl. to adjoining cemetery land has not been clearly identified relative to legal requirements in relation to distance between houses and cemeteries.
7. A turning circle has not been provided at the end of Road No. 2.

Signed on behalf of the Dublin County Council:

for Senior Administrative Officer

Date: 8th February, 1978.

NOTE: An appeal against the decision may be made to the Minister 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 the Secretary, (Planning Appeals Section), Department of Local Government, Custom House, Dublin 1. When an appeal has been duly made and has not been withdrawn the Minister for Local Government will determine the application for permission as if it had been made to him in the first instance.