

## COMHAIRLE CHONTAE ÁTHA CLIATH

File Reference <b>P.C. 10752</b>	LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT 1963 <b>PLANNING REGISTER</b>		REGISTER REFERENCE <b>K.232</b>
1. LOCATION	Scholarstown Road, Ballyboden, Dublin, 14. <b>S</b>		
2. PROPOSAL	147 no. houses		
3. TYPE & DATE OF APPLICATION	TYPE <b>P.</b>	Date Received <b>5th Feb., 1976</b>	Date Further Particulars (a) Requested 1. .... 2. .... (b) Received 1. .... 2. ....
4. SUBMITTED BY	Name <b>Frank Elmes, Esq., Architect,</b> Address <b>195, N. C. R., Dublin, 7.</b>		
5. APPLICANT	Name <b>Miscourt Securities Limited,</b> Address <b>13, Merrion Square North, Dublin, 2.</b>		
6. DECISION	O.C.M. No. <b>P/864/76</b> Date <b>2/4/76</b>	Notified <b>2nd April, 1976</b> Effect <b>Permission Refused</b>	
7. GRANT	O.C.M. No. Date	Notified Effect	
8. APPEAL	Notified <b>27/4/76</b> Type <b>1st Party</b>	Decision <b>1st March, 1977</b> Effect <b>Permission Granted by An Bord Pleanála</b>	
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 .....		Copy issued by .....Registrar.	
Checked by .....		Date .....	
Grid Ref.	O.S. Sheet	Co. Accts. Receipt No. ....	

PL. 6/5/3/382

RODNEY HIALTAIS ATTORNEY

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT, 1963

County Dublin

Planning Committee Reference Number E. 232

PC 1075  
91

APPEAL by Viscount Securities Limited of 13 Merrion Square, North, Dublin, against the decision made on the 2nd day of April, 1976, by the Council of the County of Dublin deciding to refuse to grant permission for the erection of one hundred and forty seven houses on a site at Scholarstown Road, Ballyboden, County Dublin, in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to subsections (5) and (9) of section 26 of the Local Government (Planning and Development) Act, 1963, and after consideration of the report of the person who conducted an oral hearing of the said appeal, it is hereby decided to grant permission for the erection of the said one hundred and forty seven houses in accordance with the said plans and particulars, subject to the conditions specified in column 1 of the Schedule hereto, the reasons for the imposition of the said conditions being as set out in column 2 of the said Schedule and the said permission is hereby granted subject to the said conditions.

SCHEDULE

Column 1 - Conditions	Column 2 - Reasons for Conditions
1. The development shall be phased to take account of progress in the provision of improved sewerage facilities in the area by Dublin County Council. The phasing programme shall be such that houses can be connected to public sewerage facilities when they are available for occupation. The programme shall be agreed with the planning authority or, in default of agreement, shall be as determined by the Minister for Local Government.	1. To relate the development to the expected improvement in the capacity of the main public sewer in Ballyboden Road for the site.
2. The areas shown as open spaces on the lodged plans shall be reserved as public open spaces and shall be satisfactorily levelled, seeded and landscaped by the developers.	2. In the interests of the amenities of the residents of the estate.

Contd/...

### SCHEDULE (Continued)

Column 1 - Conditions	Column 2 - Reasons for Conditions
<p>3. 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, footpaths, 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 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 the said Minister.</p>	<p>3. To ensure the satisfactory completion of the development.</p>
<p>4. The developers shall pay a sum of money to the Dublin County Council as a contribution towards the said Council's expenditure on 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 the said Minister.</p>	<p>4. 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>

Parliamentary Secretary to the Minister for Local Government to whom the relevant powers and duties of the said Minister under the Local Government (Planning and Development) Act, 1963 are delegated by the Local Government (Delegation of Ministerial Functions) Order, 1976.

Dated this 18<sup>th</sup> day of March 1977.



DUBLIN COUNTY COUNCIL

TELEPHONE: 42951 (EXT. 131)

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

NOTIFICATION OF A DECISION TO REFUSE:  
~~OUTLINE PERMISSION: PERMISSION: APPROVAL:~~  
XXXXXXXXXXXXXXXXXXXX  
LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACT, 1963.

To: Frank Elmes.  
.....  
.....195, North Circular Road,  
.....  
.....Dublin 7.

Register Reference No: K.232  
Planning Control No: 10752  
Application received: 5/2/76

APPLICANT: Viscount Securities Ltd.

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/864/76 dated 2nd April, 1976, decide to refuse:

~~XXXXXXXXXXXXXXXXXXXX~~ PERMISSION; ~~XXXXXXXXXXXXXXXXXXXX~~ APPROVAL

for Proposed erection of 147-dwellings at Scholarstown Road,  
Ballyboden Dublin, 14.

for the following reasons:

1. The proposed development would be premature because a detailed road layout for the area has not been approved of by the Planning Authority or by the Minister, on appeal.
2. Public piped sewerage facilities are not available to serve the proposal.
3. The proposed development would be premature by reason of the said existing deficiency in the provision of public piped sewerage facilities and the period within which such deficiency may reasonably be expected to be made good. The plans submitted do not take sufficient cognizance of the Council's 12" diameter watermain traversing the land. The relocation of the main as proposed is not acceptable to the Council.
4. The proposed density is excessive for the area which is zoned for low density development in the County Development Plan.
5. The proposed access on Scholarstown Road does not accord to the Council's requirements with regard to vision splays. Traffic generated at such a substandard junction would endanger public safety by reason of traffic hazard.
6. The proposal does not make adequate provision for access to the adjoining lands to the North West.
7. The submission is inadequate in respect of proposed boundary fencing and screen walls. Detail drawings referred to in the specification have not been submitted.

Signed on behalf of the Dublin County Council: *hek*

Date: 2nd April, 1976

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.