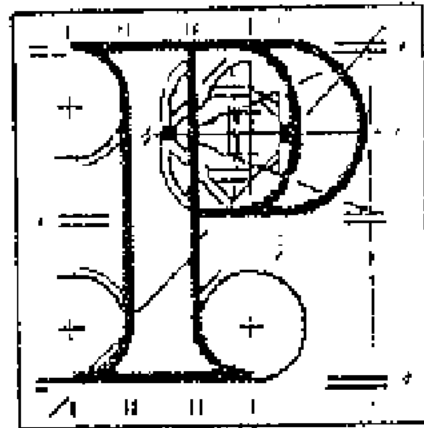


	South Dublin County Council Local Government (Planning & Development) Acts 1963 to 1993 Planning Register (Part 1)	Plan Register No. S99A/0341	
1. Location	Butterfield Avenue, Rathfarnham, Dublin 14.		
2. Development	Alterations to part of approved layout (Reg. Ref. S97A/0411, PL 06S.105101) to give 156 no. apartments in 4 no. 3/4 storey blocks over basement parking (8 x 3 bed., 148 x 2 bed) in lieu of 80 no. apartments in four no. 3 storey blocks over basement parking (16 x 3 bed. and 64 x 2 bed.) on part of lands at nos. 168 and 180 and 120 and W.A.C.E., Specialist Print Dublin Factory Limited.		
3. Date of Application	21/05/99	Date Further Particulars (a) Requested (b) Received	
3a. Type of Application	Permission	1. 02/06/1999 2.	1. 08/06/1999 2.
4. Submitted by	Name: Frank Elmes & Co., Address: 2 Waldmar Terrace, Main Street, Dundrum,		
5. Applicant	Name: Jackson Properties Limited Address: 17 Hogan Place, off Grand Canal Place, Dublin 2.		
6. Decision	O.C.M. No. 1672 Date 05/08/1999	Effect RP REFUSE PERMISSION	
7. Grant	O.C.M. No. Date	Effect RP REFUSE PERMISSION	
8. Appeal Lodged	26/08/1999	Written Representations	
9. Appeal Decision	22/03/2000	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			
14. Registrar Date Receipt No.			

# An Bord Pleanála



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

## County South Dublin

Planning Register Reference Number: S99A/0341

**APPEAL** by Jackson Properties Limited care of McHugh Consultants, of 16 Herbert Place, Dublin against the decision made on the 5<sup>th</sup> day of August, 1999 by the Council of the County of South Dublin to refuse permission for development described in the public notices as alterations to part of approved layout (Planning Register Reference Number S97A/0411, Appeal Reference Number PL 06S.105101) to give 156 apartments in four three and four storey blocks over basement parking (eight by three bedrooms, 148 by two bedrooms) in lieu of 80 apartments in four three storey blocks over basement parking (16 by three bedrooms and 64 by two bedrooms) on part lands at 168 and 180 and 120 and W.A.C.E. Specialist Print Dublin Factory Limited at Butterfield Avenue, Rathfarnham, Dublin in accordance with plans and particulars lodged with the said Council:

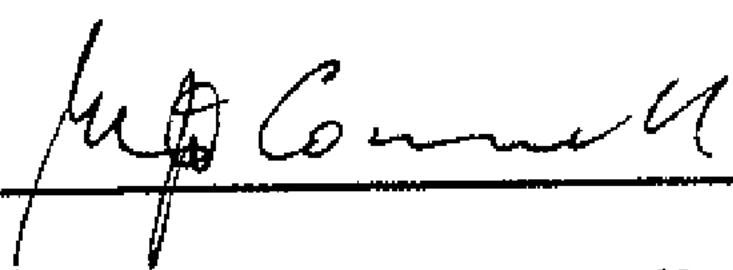
**DECISION:** Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1999, it is hereby decided, for the reason set out in the First Schedule hereto, to grant permission for the development as modified by the plans and particulars received by An Bord Pleanála on the 26<sup>th</sup> day of August, 1999 to comprise 140 apartments 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 existing permission for development of the site and to the zoning provisions as set out in the current South Dublin County Development Plan 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 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.

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.



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

Dated this 22<sup>nd</sup> day of March 2000.

## SECOND SCHEDULE

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the revised plans and particulars submitted to the Board on the 26<sup>th</sup> day of August, 1999.

Reason: In the interest of clarity and the amenities of the area.

2. The proposed development shall be carried out in accordance with the conditions attached to the existing grant of permission for development of the site (Planning Register Reference Number S97A/0411, Appeal Reference Number PL 06S.105101 dated the 5<sup>th</sup> day of November, 1998).

Reason: To ensure the integration of the development with the development as previously permitted.

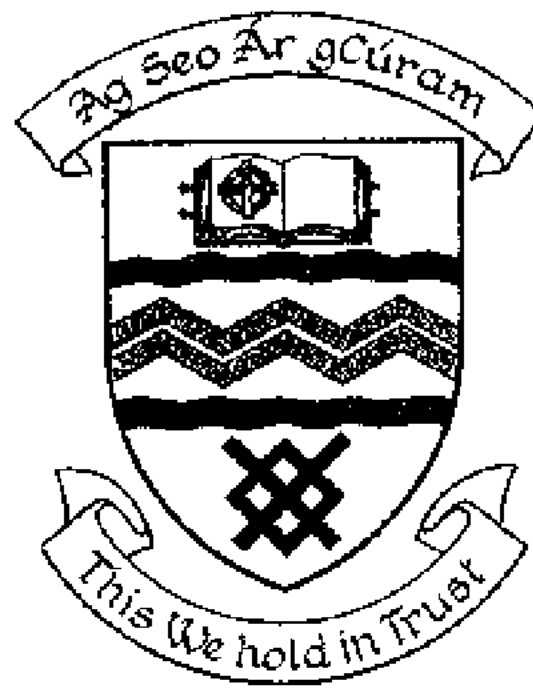
3. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, 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.

4. The developer shall pay a sum of money 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 works facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.



**SOUTH DUBLIN COUNTY COUNCIL**  
**COMHAIRLE CHONTAE ÁTHA CLIATH THEAS**



Bosca 4122,  
Lár an Bhaile, Tamhlacht,  
Baile Átha Cliath 24.

Telefon: 01-414 9000  
Facs: 01-414 9104

**PLANNING  
DEPARTMENT**  
P.O. Box 4122,  
Town Centre, Tallaght,  
Dublin 24.

Telephone: 01-414 9000  
Fax: 01-414 9104

**NOTIFICATION OF DECISION TO REFUSE PERMISSION**  
**LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993**

Decision Order Number 1672	Date of Decision 05/08/1999
Register Reference S99A/0341	Date 21/05/99

**Applicant** Jackson Properties Limited

**Development** Alterations to part of approved layout (Reg. Ref. S97A/0411, PL 06S.105101) to give 156 no. apartments in 4 no. 3/4 storey blocks over basement parking (8 x 3 bed., 148 x 2 bed) in lieu of 80 no. apartments in four no. 3 storey blocks over basement parking (16 x 3 bed. and 64 x 2 bed.) on part of lands at nos. 168 and 180 and 120 and W.A.C.E., Specialist Print Dublin Factory Limited.

**Location** Butterfield Avenue, Rathfarnham, Dublin 14.

**Floor Area** Sq Metres

**Time extension(s) up to and including**

**Additional Information Requested/Received** 02/06/1999 /08/06/1999

In pursuance of its functions under the above mentioned Acts, the South Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by Order dated as above make a decision to REFUSE PERMISSION in respect of the above proposal.

for the (6) Reasons on the attached Numbered Pages.

Signed on behalf of the South Dublin County Council

.....  
for SENIOR ADMINISTRATIVE OFFICER

05/08/99

Frank Elmes & Co.,  
2 Waldmar Terrace,  
Main Street,  
Dundrum,  
Dublin 14

**SOUTH DUBLIN COUNTY COUNCIL  
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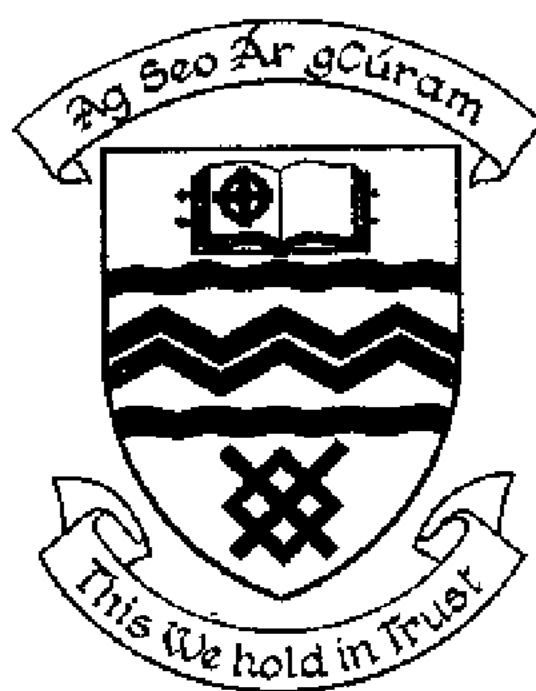
Reasons

- 1 The development of the kind proposed, by reason of excessive scale, bulk and physical dominance and by reason of overlooking and overshadowing would be seriously injurious to the amenities of the future residents of the proposed and permitted development and would materially contravene the zoning objective for the area which is "to protect and/or improve residential amenity". The proposed development would therefore be contrary to the proper planning and development of the area.
- 2 The proposed development by reason of its excessive scale and density would seriously alter the established character of development in this suburban area in a manner which would be seriously injurious to the amenities of and depreciate the value of property in the vicinity.
- 3 The proposed development would be substandard by reason of inadequate provision for open space which is functional and accessible to the future residents of the proposed and permitted developments on the subject site and which is not overshadowed. The proposed development would therefore be contrary to the proper planning and development of the area.
- 4 The proposed development has made no provision for refuse bins, fuel storage, clothes drying and cycle storage, facilities which are considered fundamental to the basic amenities of the development. The proposed development would therefore contravene the provisions of the Development Plan in this regard as set out in section 3.4.17 of the written statement and would be contrary to the proper planning and development of the area.
- 5 The proposed development would be contrary to the Draft Guidelines for Planning Authorities on Residential Density (PD 4/98) as the high density proposed would be achieved at an unacceptable amenity cost to the future residents of the proposed development. The proposed development would therefore be contrary to the proper planning and development of the area.

**SOUTH DUBLIN COUNTY COUNCIL**  
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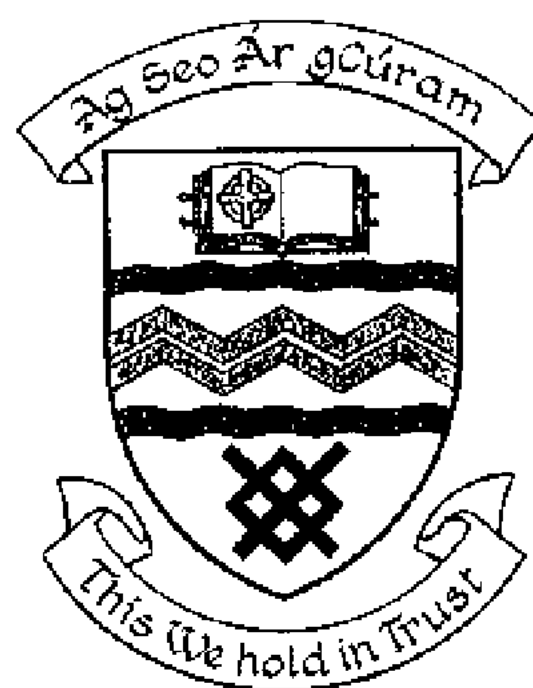
REG. REF. S99A/0341

- 6 The proposed development would set an undesirable precedent for further similar developments in the area. The proposed development would therefore be contrary to the proper planning and development of the area.

SOUTH DUBLIN COUNTY COUNCIL  
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LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

Order Number 1140	Date of Order 02/06/1999
Register Reference S99A/0341	Date 21/05/1999

**Applicant** Jackson Properties Limited

**Development** Alterations to part of approved layout (Reg. Ref. S97A/0411, PL 06S.105101) to give 156 no. apartments in 4 no. 3/4 storey blocks over basement parking (8 x 3 bed., 148 x 2 bed) in lieu of 80 no. apartments in four no. 3 storey blocks over basement parking (16 x 3 bed. and 64 x 2 bed.) on part of lands at nos. 168 and 180 and 120 and W.A.C.E., Specialist Print Dublin Factory Limited.

**Location** Butterfield Avenue, Rathfarnham, Dublin 14.

Dear Sir/Madam,

An inspection carried out on 31/05/99 has shown that a site notice was not erected in respect of your planning application. Before this application can be considered, you must erect a notice on the site or structure, and submit the following to this Department:

- (a) two copies of the text of the notice
- (b) two plans showing the position of the notice on the land or structure
- (c) a statement of the date on which the notice is erected

The notice must be maintained in position for at least one month and must fulfill the following conditions:-

- 1. Must be durable material
- 2. Must be securely erected in a conspicuous position easily visible and legible by persons using the public road

Frank Elmes & Co.,  
2 Waldmar Terrace,  
Main Street,  
Dundrum,  
Dublin 14



SOUTH DUBLIN COUNTY COUNCIL  
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REG REF. S99A/0341

3. Must be headed "Application to Planning Authority".  
4. Must state:

- (a) Applicant's name
- (b) whether application is for Permission, Outline Permission, or Approval.
- (c) nature and extent of development including number of dwellings (if any)
- (d) that the application may be inspected at the Planning Department, South Dublin County Council, Town Centre, Tallaght, Dublin 24.

No further consideration will be given to this application until you comply with these requirements.

Yours faithfully,

*HH*  
..... 02/06/1999  
for Senior Administrative Officer.