

	South Dublin County Council Local Government (Planning & Development) Acts 1963 to 1993 Planning Register (Part 1)	Plan Register No. S99A/0258	
1. Location	Ballyowen, Lucan, Co. Dublin.		
2. Development	Circa 5,180 sq.m. development consisting of (i) 56 apartments of mixed 1, 2 and 3 bedroom units, totalling 4,480 sq.m., orientated around a landscaped courtyard and (ii) a two storey creche facility of 700 sq.m. with associated play area. The above all with associated parking, (a basement car park with 71 no. spaces, and 61 no. spaces at ground level) and associated site development works and landscaping.		
3. Date of Application	28/04/99	Date Further Particulars (a) Requested (b) Received	
3a. Type of Application	Permission	1. 26/08/1999 2.	1. 31/08/1999 2.
4. Submitted by	Name: Project Architects, Address: Flemings Court, Flemings Place,		
5. Applicant	Name: Ballymore Properties, Address: 35/38 St. Stephens Green, Dublin 2.		
6. Decision	O.C.M. No. 2354 Date 28/10/1999	Effect AP GRANT PERMISSION	
7. Grant	O.C.M. No. Date	Effect AP GRANT PERMISSION	
8. Appeal Lodged	29/11/1999	Written Representations	
9. Appeal Decision			
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

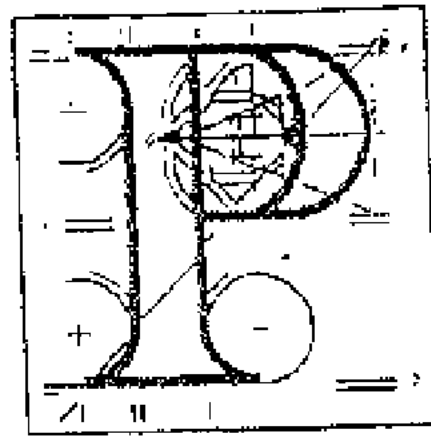
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Date

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Receipt No.

An Bord Pleanála



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

County South Dublin
Planning Register Reference Number: S99A/0258

APPEAL by Ballyowen Castle Residents' Association care of Catherine Fossey of 2 Rochfort Grove, Rochfort Downs, Lucan, County Dublin against the decision made on the 28th day of October, 1999 by the Council of the County of South Dublin to grant subject to conditions a permission to Ballymore Properties Limited care of Project Architects of Flemings Court, Flemings Place, Dublin for development comprising an approximate 5,180 square metre development consisting of (a) 56 apartments of mixed one, two and three bedroom units, totalling 4,480 square metres, orientated around a landscaped courtyard and (b) a two-storey creche facility of 700 square metres with associated play area, all with associated parking (a basement car park with 71 number spaces and 61 number spaces at ground level) and associated site development works and landscaping with access off Ballyowen Lane at Ballyowen, Lucan, County Dublin:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1999, permission is hereby refused for the said development for the reason set out in the Schedule hereto.

SCHEDULE

The site is located in an area zoned LC, where it is an objective of the planning authority, as expressed in the current Development Plan for the area, "to protect, provide for and/or improve local centre facilities". This objective is considered reasonable. Having regard to (a) the previous grant of permission (An Bord Pleanála reference number PL 06S.096976) for a development containing significant leisure and community facilities on the overall site, of which the site of the proposed development forms part, and (b) the nature of the proposed development in which there is a predominance of residential development and a very limited provision of leisure and community facilities appropriate to a local centre, it is considered that the proposed development would contravene the zoning objective of the Development Plan and would be contrary to the proper planning and development of the area.

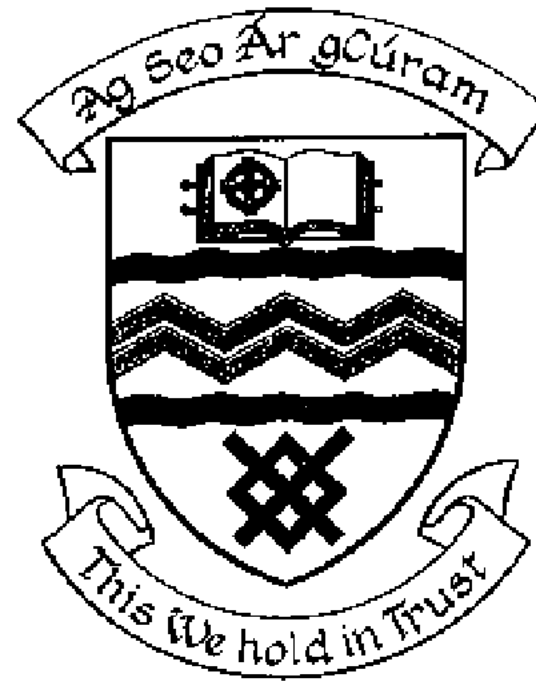
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 28th day of March 2000.

SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CHONTAE ÁTHA CLIATH THEAS

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

Decision Order Number 2354	Date of Decision 28/10/1999 <i>MB</i>
Register Reference S99A/0258	Date: 28/04/99

Applicant Ballymore Properties,

Development Circa 5,180 sq.m. development consisting of (i) 56 apartments of mixed 1, 2 and 3 bedroom units, totalling 4,480 sq.m., orientated around a landscaped courtyard and (ii) a two storey creche facility of 700 sq.m. with associated play area. The above all with associated parking, (a basement car park with 71 no. spaces, and 61 no. spaces at ground level) and associated site development works and landscaping.

Location Ballyowen, Lucan, Co. Dublin.

Floor Area Sq Metres

Time extension(s) up to and including 30/08/1999

Additional Information Requested/Received 26/08/1999 /31/08/1999

Clarification of Additional Information Requested/Received /

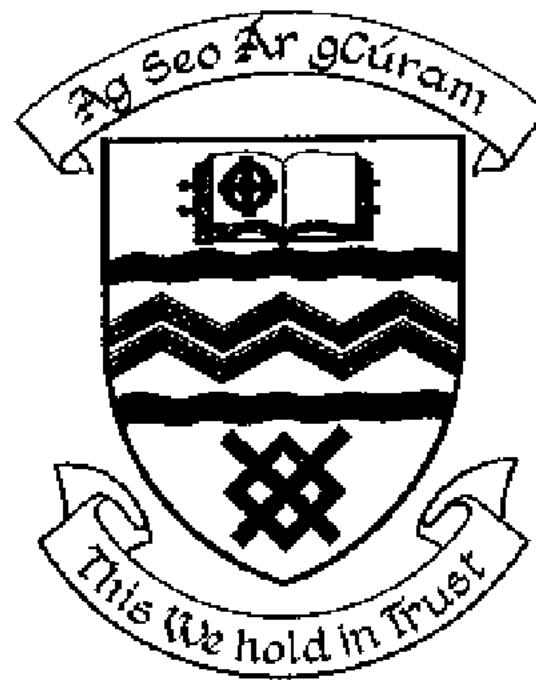
In pursuance of its functions under the above mentioned Acts, the South Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by Order dated as above make a **DECISION TO GRANT PERMISSION** in respect of the above proposal.

Subject to the conditions (22) on the attached Numbered Pages.
Signed on behalf of the South Dublin County Council.

MB
..... 28/10/99
for SENIOR ADMINISTRATIVE OFFICER

Project Architects,
Flemings Court,
Flemings Place,
Dublin 4.

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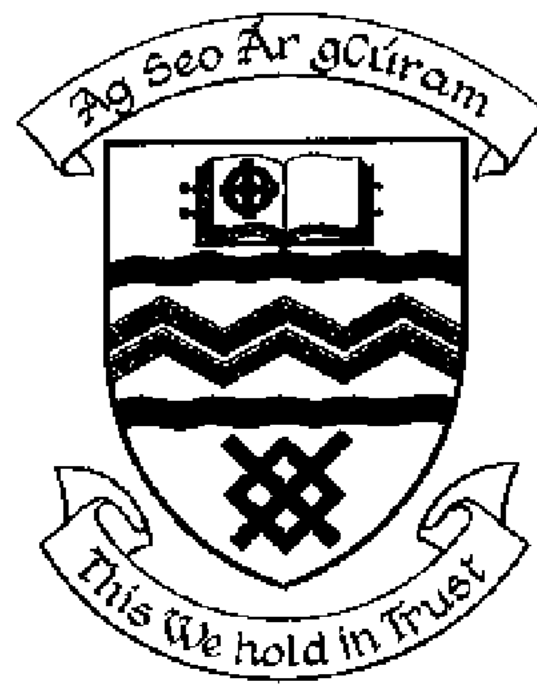
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Conditions and Reasons

- 1 The development to be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application as amended by Additional Information received on 31/08/99, save as may be required by the other conditions attached hereto.
REASON:
To ensure that the development shall be in accordance with the permission and that effective control be maintained.
- 2 That each proposed apartment be used as a single dwelling unit.
REASON:
To prevent unauthorised development.
- 3 That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.
REASON:
To protect the amenities of the area.
- 4 That all public services to the proposed development, including electrical, telephone cables and equipment be located underground throughout the entire site.
REASON:
In the interest of amenity.
- 5 That no apartment or the creche be occupied until all the services have been connected thereto and are operational.
REASON:
In the interest of the proper planning and development of the area.
- 6 That the area shown as open space be levelled, soiled and seeded and landscaped to the satisfaction of the County Council and to be available for use by residents on completion of their dwellings.
REASON:

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

- 7 That the areas shown and conditioned as open space be fenced off during construction work and shall not be used for the purpose of site compounds or for the storage of plant, materials or spoil.

REASON:

To protect the amenities of the area.

- 8 That all watermain tapplings, branch connections, swabbing and chlorination be carried out by the County Council's, Environmental Services Department and that the cost thereof be paid to South Dublin County Council before any development commences.

REASON:

To comply with public health requirements and to ensure adequate standards of workmanship. As the provision of these services by the County Council will facilitate the proposed development it is considered reasonable that the Council should recoup the cost.

- 9 That an acceptable street naming and apartment numbering scheme be submitted to and approved by the County Council before any constructional work takes place on the proposed apartments.

REASON:

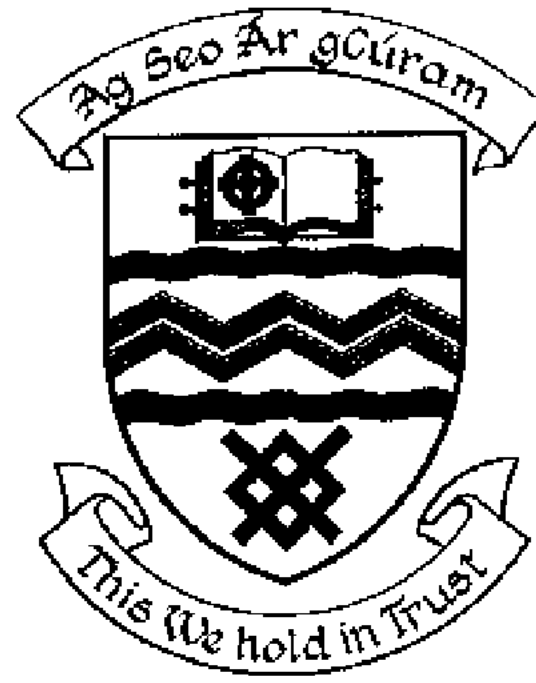
In the interest of the proper planning and development of the area.

- 10 That the developer shall construct and maintain to the Council's standard for taking in charge all the roads, including footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development.

REASON:

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

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- 11 Heating to be provided by the use of either oil, gas, electricity or by smokeless fuels in fireplaces or appliances suitable only for burning solid smokeless fuels.

REASON:

In the interest of reducing air pollution.

- 12 That the water supply and drainage arrangements, including the disposal of surface water, be in accordance with the requirements of the County Council. In this regard the following requirements shall be complied with:-

- (a) Applicant to submit full details of proposed drainage, including pipe sizes, gradients, cover and invert levels, up to and including connection to public sewer;
- (b) Applicant to ensure full and complete separation of foul and surface water systems;
- (c) No building within 5m of public sewer or sewer with potential to be taken in charge;
- (d) All pipes shall be laid with a minimum cover of 1.2m in roads, footpaths and driveways, and 0.9m in open space. Where it is not possible to achieve these minimum covers, pipes shall be bedded and surrounded in C20 concrete 150mm thick;
- (e) Prior to the commencement of the works, applicant shall submit for the approval of the Area Engineer, Deansrath Depot (tel. (01) 4570784) a watermain layout drawing. Drawing to indicate proposed watermain sizes, valve, meter and hydrant layout, proposed points of connections to existing watermains. Layout shall be in accordance with Part B of 1997 Building Regulations;
- (f) 24 hour storage per unit shall be provided.

REASON:

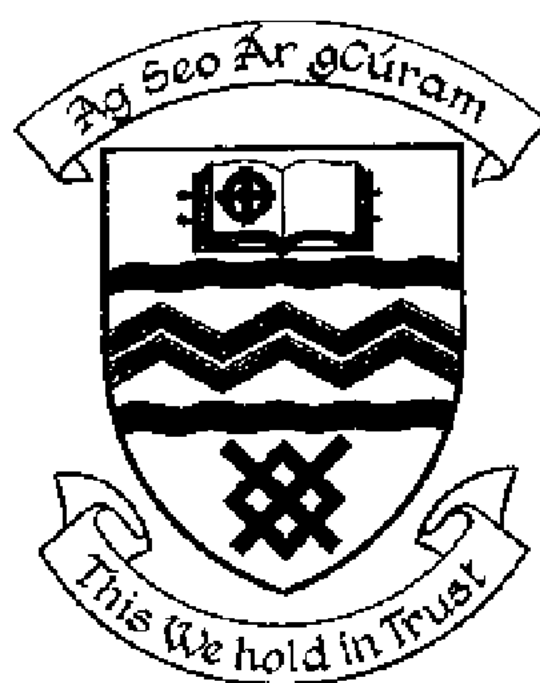
In order to comply with the Sanitary Services Acts, 1878-1964.

- 13 That prior to development commencing full details of all proposed external materials and finishes shall be submitted for the written agreement of the Planning Authority. This shall include samples of materials and finishes, to be exhibited in situ if required.

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REASON:

In the interest of visual amenity.

- 14 Prior to the commencement of development, the developer shall pay a special financial contribution to South Dublin County Council towards the cost of providing alternative public recreational facilities to those originally proposed for this site under planning permission (Reg. Ref. S94A/0503). The amount of the contribution will be the subject of a special agreement with the Planning Authority.

REASON:

It is considered reasonable that the developer should make a contribution in lieu of the provision of previously approved public recreational facilities for this site.

- 15 That a financial contribution in the sum of £44,718 (forty four thousand seven hundred and eighteen pounds) EUR 56,780 (fifty six thousand seven hundred and eighty euros) be paid by the proposer to South Dublin County Council towards the cost of provision of public services in the area of the proposed development and which facilitate this development; this contribution to be paid before the commencement of development on the site.

REASON:

The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing the services.

- 16 That a financial contribution in the sum of £139,440 (one hundred and thirty nine thousand four hundred and forty pounds) EUR 177,052 (one hundred and seventy seven thousand and fifty two euros) shall be paid by the proposer to South Dublin County Council towards the cost of roads improvements and traffic management in the area of the proposed development and which facilitates this development; this contribution to be paid before the commencement of development on the site.

REASON:

It is considered reasonable that the developer should contribute towards the expenditure that was incurred and/or that is proposed to be incurred by the Council on road

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improvement works and traffic management schemes
facilitating the proposed development.

- 17 That a financial contribution in the sum of £1,250 (one thousand two hundred and fifty pounds) PER HECTARE EUR 1,587 (one thousand five hundred and eighty seven euros) PER HECTARE be paid by the proposer to South Dublin County Council towards the cost of remedial works to the Griffeen River which will facilitate this development; this contribution to be paid before the commencement of development on site.

REASON:

The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of the works.

- 18 That a financial contribution in the sum of £4,343 (four thousand three hundred and forty three pounds) PER HECTARE EUR 5,514 (five thousand five hundred and fourteen euros) PER HECTARE be paid by the proposer to South Dublin County Council towards the cost of the Lucan/Palmerstown Water Supply Improvement Scheme which serves this development; this contribution to be paid before the commencement of development on site.

REASON:

The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the development should contribute towards the cost of the works.

- 19 That a financial contribution in the sum of £2,500 (two thousand five hundred pounds) PER HECTARE EUR 3,174 (three thousand one hundred and seventy four euros) PER HECTARE be paid by the proposer to South Dublin County Council towards the cost of the upgrading of Esker Pumping Station; this contribution to be paid before the commencement of development on the site.

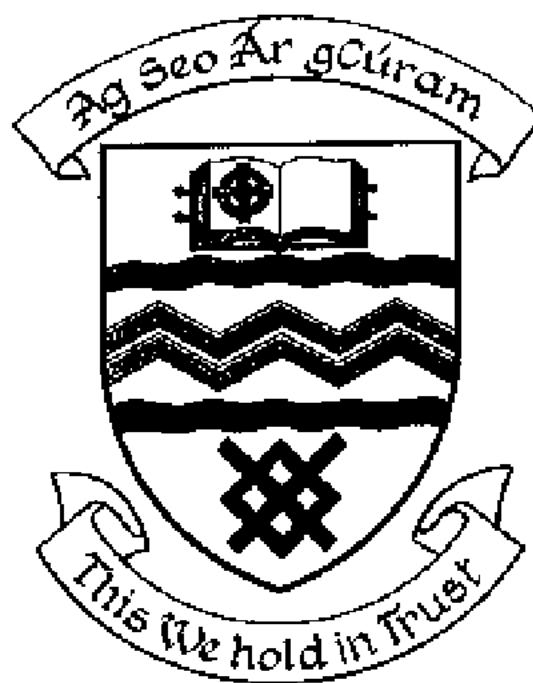
REASON:

The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing the services.

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- 20 That a financial contribution in the sum of £28,000 (twenty eight thousand pounds) EUR 35,553 (thirty five thousand five hundred and fifty three euros) be paid by the proposer to South Dublin County Council towards the cost of the development and improvement of public open space in the area of the proposed development and which will facilitate the development; this contribution to be paid before the commencement of development on site.

REASON:

It is considered reasonable that the developer should contribute towards the expenditure that was incurred and/or that is proposed to be incurred by the Council on the development and improvement of amenity lands in the area which will facilitate the proposed development.

- 21 That details of the Management Agreement for the maintenance and control of the site be submitted and agreed with the Planning Authority prior to the commencement of development.

REASON:

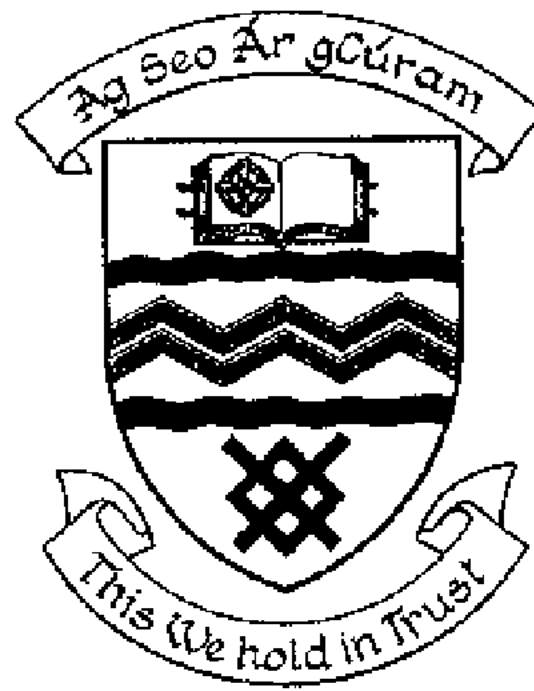
In the interest of the proper planning and development of the area.

- 22 That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services, kerbs, grass margin and footpath fronting the site has been given by lodgement with the Council of an approved Insurance Company Bond in the sum of £212,000 (two hundred and twelve thousand pounds) EUR 269,184 (two hundred and sixty nine thousand one hundred and eighty four euros) or lodgement with the Council of a cash sum of £129,000 (one hundred and twenty nine thousand pounds) EUR 163,796 (one hundred and sixty three thousand seven hundred and ninety six euros).

REASON:

To ensure that a ready sanction may be available to induce the provision of services and prevent disamenity in the development.

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LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

Decision Order Number 1682	Date of Decision 09/08/1999
Register Reference S99A/0258	Date 28/04/99

Applicant Ballymore Properties,
App. Type Permission
Development Development of circa 6,237 sq.m. consisting of 73 apartments of mixed 1, 2 and 3 bedroom units, totalling 4,897 sq.m. A three storey business unit of 651 sq.m. and a gym and creche facility of 689 sq.m, all orientated around a landscaped courtyard. The above all with associated parking and landscaping.

Location Ballyowen, Lucan, Co. Dublin.

Dear Sir / Madam,

In accordance with Section 26 (4a) of the Local Government (Planning and Development) Act 1963 as amended by Section 39 (f) of the Local Government (Planning and Development) Act 1976 the period for considering this application has been extended, up to and including 23/08/1999

Yours faithfully

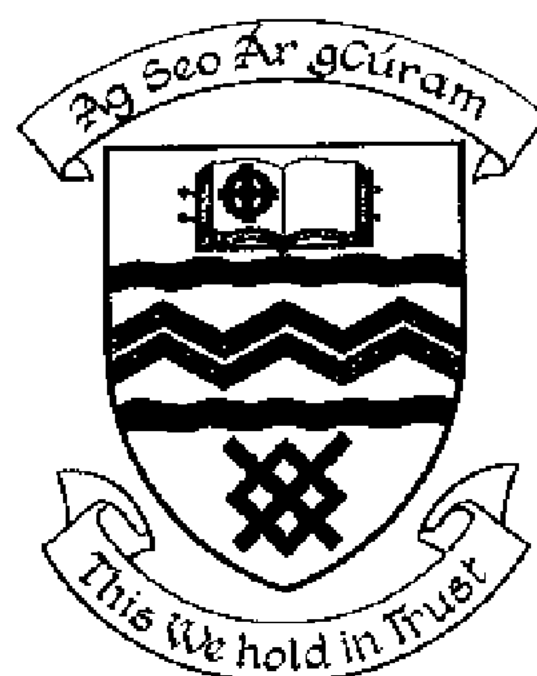
..... 09/08/99
for SENIOR ADMINISTRATIVE OFFICER

Project Architects,
Flemings Court,
Flemings Place,
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LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

Decision Order Number 1577	Date of Decision 23/07/1999
Register Reference S99A/0258	Date 28/04/99

Applicant Ballymore Properties,
App. Type Permission
Development Development of circa 6,237 sq.m. consisting of 73 apartments of mixed 1, 2 and 3 bedroom units, totalling 4,897 sq.m. A three storey business unit of 651 sq.m. and a gym and creche facility of 689 sq.m, all orientated around a landscaped courtyard. The above all with associated parking and landscaping.

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Yours faithfully

Ms
..... 23/07/99
for SENIOR ADMINISTRATIVE OFFICER

Project Architects,
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