

		South Dublin County Council Local Government (Planning & Development) Acts 1963 to 1993 Planning Register (Part 1)		Plan Register No. S99A/0239	
1. Location		Phase 3, Ballydowd Manor, Lucan, Co. Dublin.			
2. Development		94 no. 2-storey houses (12 no. 4-bed type A, interchangeable as 3-bed type C, 62 no. 3-bed type C, 10 no. 3-bed type E, 10 no. 2-bed type F).			
3. Date of Application		19/04/99		Date Further Particulars (a) Requested (b) Received	
3a. Type of Application		Permission		1.	1.
				2.	2.
4. Submitted by		Name: Frank Elmes & Co., Address: 2 Waldemar Terrace, Main Street,			
5. Applicant		Name: Tierra Limited, Address: 5 Seafield Grove, Clontarf, Dublin 3.			
6. Decision		O.C.M. No. 1260 Date 17/06/1999		Effect AP GRANT PERMISSION	
7. Grant		O.C.M. No. Date		Effect AP GRANT PERMISSION	
8. Appeal Lodged		14/07/1999		Written Representations	
9. Appeal Decision		12/11/1999		Remove Condition(s) & Amend Condition(s)	
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/0239

APPEAL by Tierra Limited care of Frank Elmes and Company of 2 Waldemar Terrace, Main Street, Dundrum, Dublin against the decision made on the 17th day of June, 1999 by the Council of the County of South Dublin to grant subject to conditions a permission for the erection of 94 two-storey houses (12 four-bedroom type A, interchangeable as three-bedroom type C, 62 three bedroom type C, 10 three bedroom type E, and 10 two bedroom type F at Phase 3, Ballydowd Manor, Lucan, County Dublin in accordance with plans and particulars lodged with the said Council:

WHEREAS the said appeal relates only to conditions numbers 24, 25, 26, 27, 28 and 31 subject to which the decision was made:

AND WHEREAS the Board is satisfied, having regard to the nature of the said conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by subsection (1) of section 15 of the Local Government (Planning and Development) Act, 1992, hereby directs the said Council to remove the said conditions numbers 26, 27, and 28 and the reasons therefor, and to amend conditions numbers 24, 25 and 31 so that they shall be as follows for the reasons set out:

24. Prior to the commencement of development, the developer shall pay the sum of £2,100 (two thousand one hundred pounds) [€2,666.45 (two thousand six hundred and sixty-six euro and forty-five cents)] per house (updated at the time of payment in accordance with changes in the Wholesale Price Index - Building and Construction (Capital Goods), published by the Central Statistics Office) 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 road improvement works and traffic management facilitating the proposed development.

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.

7.07 Suffy

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

Dated this *12th* day of *November* 1999.

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

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

Decision Order Number 1260	Date of Decision 17/06/1999
Register Reference S99A/0239	Date: 19/04/99

..... 18/06/99
for SENIOR ADMINISTRATIVE OFFICER

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

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

REG REF. S99A/0239

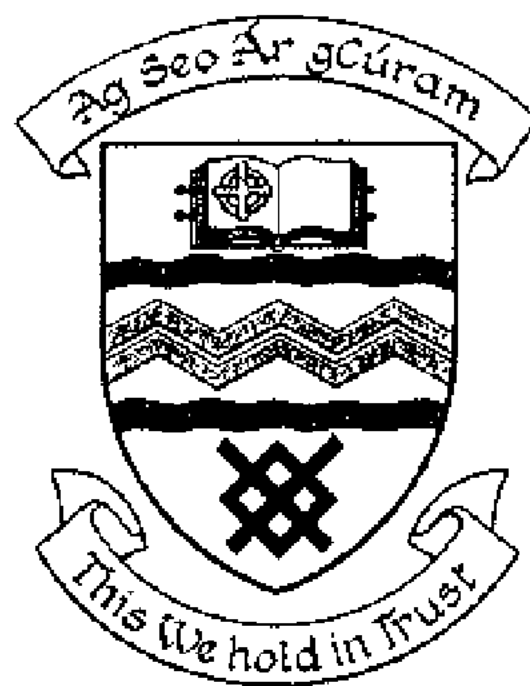
Conditions and Reasons

- 1 The development to be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application, 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 house be used as a single dwelling unit.
REASON:
To prevent unauthorised development.
- 3 A minimum separation of 2.3 metres shall be provided between the side walls of the adjacent house blocks.
REASON:
In the interests of amenity.
- 4 Other than where "extended kitchen areas" adjoin each other a 1.8m high privacy wall, plastered on both sides and capped, shall be erected from a distance of 2 metres from the rear party wall of each.
REASON:
In the interests of residential amenity.
- 5 All bathroom, utility rooms and landing windows shall be fitted with obscure glass and where openings are provided they shall be of the high level type only.
REASON:
In the interests of residential amenity.
- 6 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.

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

REG. REF. S99A/0239

- 7 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.
- 8 That public lighting be provided as each street is occupied in accordance with a scheme to be approved by the County Council so as to provide street lighting to the standard required by South Dublin County Council.
REASON:
In the interest of amenity and public safety.
- 9 That no dwellinghouse 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.
- 10 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 detailed plans of the proposed foul and surface water drainage and a watermain layout shall be submitted to the Planning Authority for agreement prior to commencement of development.
REASON:
In order to comply with the Sanitary Services Acts, 1878-1964.
- 11 No buildings shall be located within 5 metres of any existing or proposed public services which are/will be taken in charge.
REASON:
In the interest of public health.
- 12 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

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

REG REF. S99A/0239

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.

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

REASON:

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

- 14 That screen walls in block or similar durable materials not less than 2 metres high, suitably capped and rendered, be provided at the necessary locations so as to screen rear gardens from public view. The specific locations and extent of walling must be fully discussed and agreed with the County Council before construction. Timber fencing is not acceptable.

REASON:

In the interest of visual amenity.

- 15 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, until taken in charge by the Council.

REASON:

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

- 16 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.

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

REG. REF. S99A/0239

REASON:

To protect the amenities of the area.

- 17 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.

- 18 A landscape plan with full works specification and bill of quantities etc. shall be submitted to and agreed with the Planning Authority before the commencement of development. Such plan shall include regrading, drainage topsoiling, seeding, tree and shrub planting, pedestrian paths and details of maintenance.

REASON:

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

- 19 The rear gardens of the two bedroom terraced dwellings shall be a minimum of 48sq.m. in area.

REASON:

In the interests of the amenities of the dwellings.

- 20 That notwithstanding the provisions of the Local Government (Planning and Development) Regulations 1994, planning permission shall be obtained before any extensions are constructed to the rear of proposed house type F where the area of the proposed rear garden is less than 60sq.m. This requirement shall be incorporated into the deeds of the dwellings in question.

REASON:

To enable effective control to be maintained in order to prevent overdevelopment in the interest of the proper planning and development of the area.

- 21 That the central parking area on Road 10 as delineated on Drawing No. BM/99/02 received by the Planning Authority on the 19th April 1999 shall be clearly marked out and finished in a material to be agreed with the Planning Authority such as cobble-lock or paving bricks.

REASON:

**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

REG REF. S99A/0239

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

- 22 That all road and cul-de-sac turning bay dimensions be to Current County Council Standards.

REASON:

In the interests of traffic safety and the proper planning and development of the area.

- 23 That the developer shall provide a strip of land along the entire length of the site boundary adjoining the existing roads and shall construct a public cycleway in these locations in accordance with the requirements of the Council Roads Department. Details to be submitted for agreement of the Planning Authority prior to commencement of development.

REASON:

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

- 24 That a financial contribution in the sum of £2,100 (two thousand one hundred pounds) PER HOUSE 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 improvement works and traffic management schemes facilitating the proposed development.

- 25 That a financial contribution in the sum of £70,500 (seventy thousand five hundred pounds) 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

**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

REG. REF. S99A/0239

reasonable that the developer should contribute towards the cost of providing the services.

- 26 That a financial contribution in the sum of £2,500 (two thousand five hundred pounds) 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.

- 27 That a financial contribution in the sum of £400 (four hundred pounds) PER HOUSE 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.

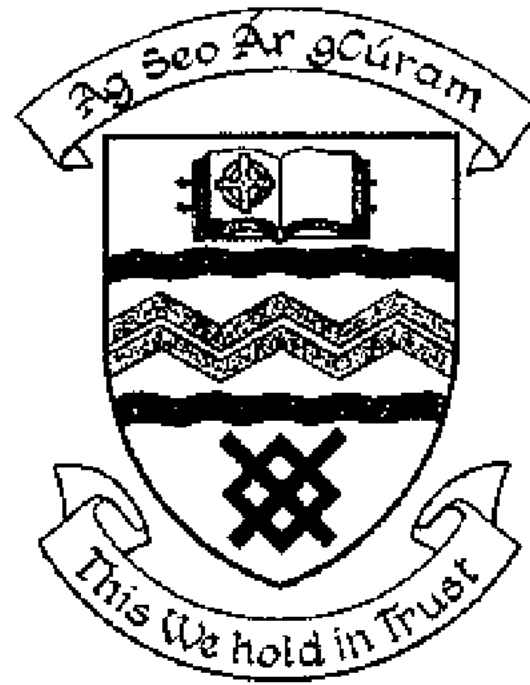
- 28 That a financial contribution in the sum of £1,250 (one thousand two hundred and fifty pounds) PER HECTARE be paid by the proposer to South Dublin County Council towards the cost of remedial works to the Griffeen River which will facilitate this development; this contribution to be paid before the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

- 29 That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services, including maintenance, until taken in charge by the Local Authority for Roads, Open Spaces, Car Parks, Sewers, Watermains and

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

REG REF. S99A/0239

Drains, has been given by:-

- a. Lodgement with the Council of an approved Insurance Company Bond in the sum of £307,000 (three hundred and seven thousand pounds) until such time as the Roads, Open Spaces, Car Parks, Sewers, Watermains and Drains are taken in charge by the Council.
Or./...
- b. Lodgement with the Council of a Cash Sum of £186,000 (one hundred and eighty six thousand pounds) to be applied by the Council at its absolute discretion if such services are not duly provided to its satisfaction on the provision and completion of such services to standard specifications.
Or./...
- c. Lodgement with the Planning Authority of a letter of guarantee issued by the Construction Industry Federation in respect of the proposed development, in accordance with the guarantee scheme agreed with Planning Authority.

REASON:

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

- 30 Before the commencement of development, a Tree Bond of £5,000 (five thousand pounds) PER TREE and £10,000 (ten thousand pounds) PER HEDGEROW (total sum to be agreed with Parks and Landscape Services Department prior to works commencing) to be lodged with South Dublin County Council prior to the commencement of works on site to ensure the protection of trees and hedgerows to be retained on site.

REASON:

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

- 31 That a financial contribution in the sum of £500 (five hundred pounds) PER HOUSE be paid by the proposer to South Dublin County Council towards the cost of the development and improvement of public open space in Willsbrook Park and which will facilitate the development; this contribution to be paid before the commencement of development on site.

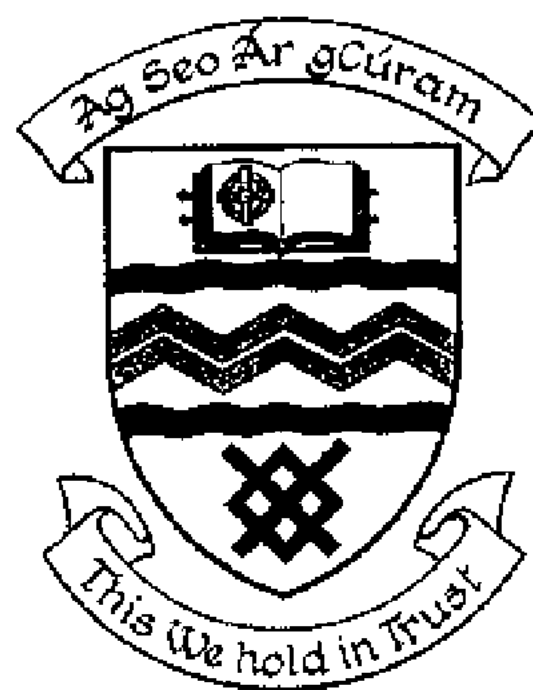
REASON:

It is considered reasonable that the developer should

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

REG. REF. S99A/0239

contribute towards the expenditure that was incurred and/or
that is proposed to be incurred by the Council on the
provision and development of amenity lands in the area which
will facilitate the proposed development.