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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F21A/0074**

**Appeal** by Barry Drumm and others care of Barry Drumm of 98 Tayleurs Point, Rush, County Dublin against the decision made on the 16<sup>th</sup> day of September, 2021 by Fingal County Council to grant subject to conditions an outline permission to Derek and Geraldine Jones of 121 Lower Main Street, Rush, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Four number dwellings comprising two number detached two-storey houses and two number semi-detached two-storey/single storey houses and associated site works with access off Tayleurs Point Housing Estate at rear of number 121 Lower Main Street, Rush, County Dublin.

**Decision**

**GRANT** outline permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

## Reasons and Considerations

Having regard to the objectives of the Fingal County Development Plan 2017-2023, the location of the proposed development on zoned and serviced lands within the settlement boundary of Rush, the small scale and infill nature of the proposed development site, and the prevailing pattern and character of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. This grant of outline permission is in respect of development as indicated in the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 23<sup>rd</sup> day of August 2021, except as may otherwise be required in order to comply with the following conditions. No development is authorised on foot of this grant of outline permission and no development shall be undertaken until a grant of approval consequent on this outline permission is received.

**Reason:** In the interest of clarity.

2. At permission consequent stage, the proposed dwellings shall be designed to comply with the following requirements:
  - (a) The ridge heights of units 1 and 2 shall not exceed the ridge heights of the adjoining residential property to the west, namely 104 Tayleurs Point.
  - (b) The ridge heights of units 3 and 4 shall not exceed the ridge height of the adjoining residential property to the west, namely 105 Tayleurs Point.

**Reason:** In the Interest of visual amenity.

3.
  - (a) The existing boundary wall between the proposed development site and the adjoining public areas within Tayleurs Point shall be lowered to 0.9 metres.
  - (b) The vehicular entrance gates at the entrance to the proposed development site from Tayleurs Point shall be removed and shall not be replaced.

At permission consequent stage, the developer shall submit the following to the planning authority for written agreement:

- (i) Plans and elevations to demonstrate compliance with the requirements of this condition.
- (ii) Confirmation by way of a simple certificate from a solicitor with professional indemnity insurance that the developer and their assigns have sufficient interest in the boundary wall to the west of the site to carry out the required works.

**Reason:** In the interest of pedestrian and traffic safety, to ensure compliance with Objective DMS32 of the Fingal County Development Plan, and in the interest of proper planning and sustainable development.

4. This outline permission relates solely to the principle of the development on the site. The plans and particulars to be lodged for permission consequent on this grant of outline permission shall include the following:

- (a) Full design details of the proposed development, including all proposed dwellings.
- (b) Contiguous elevations to demonstrate the proposed dwellings and how they will relate to adjoining properties, particularly the adjoining residential units at Tayleurs Point.
- (c) Details of the materials, colours and textures of all the external finishes to the proposed dwellings.
- (d) A landscape plan prepared by a suitably qualified landscape professional to include high quality boundary treatments and landscape finishes, including trees planting on private open space, the capping and rendering of existing/proposed block works walls and protection measures for any retained vegetation.

**Reason:** In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

5. At permission consequent stage, drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. At permission consequent stage, the design of the pedestrian and vehicular access, parking areas, shared surfaces and footpaths and kerbs shall comply with the requirements of the planning authority for such works.

**Reason:** In the interest of amenity and pedestrian and traffic safety.

7. The developer shall enter into water and/or wastewater connection agreements with Irish Water prior to commencement of development.

**Reason:** In the interest of public health.

8. Prior to commencement of development, a full and detailed construction management plan shall be submitted to, and agreed in writing with, the planning authority, which shall include, inter alia, a construction programme for the proposed works, hours of operation, a traffic management plan, noise and dust mitigation measures, and details of construction lighting. A Construction Manager shall be appointed to liaise directly with the various sections of the planning authority.

**Reason:** In the interest of residential amenity, traffic/pedestrian safety and proper planning and sustainable development.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

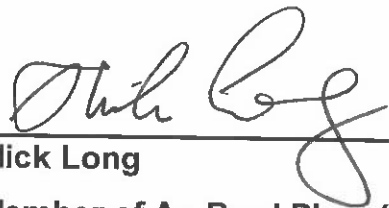
**Reason:** In the interest of visual and residential amenity.

10. 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 of roads, footpaths, watermains, drains, 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 of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer at permission consequent stage or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer at permission consequent stage or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



**Mick Long**

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



Dated this 10 day of February 2023.