



Comhairle Chontae Fhine Gall

Bosca 174,
Aras Contae Fhine Gall,
An Phríomh Shraid,
Sord, Contae Atha Cliath.

Fingal County Council

P.O. Box 174,
Fingal County Hall,
Main Street, Swords,
Co. Dublin.

Tel: (01) 890 5670

Fax: (01) 890 5789

PLANNING DEPARTMENT

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

Final Grant Order Number	P/3125/00	Date of Final Grant	27/09/2000
Decision Order Number	2617	Date of Decision	18/08/2000
Register Reference	F00A/0173	Registration Date	21/06/2000

Applicant J. Rock Developments Ltd.

Development construction of 40 no. dwellings comprising 6 no. 3 bed dormer bungalows and 34 no. 2 storey 3 bed town houses, all site development works including foul and surface water outfall sewers, individual vehicular access for the 15 dwellings fronting the 'Old Road' and a single access point for the 25 dwellings to 'Doctors Lane' all on site of circa 2.28 ac.

Location Site bounded to the north by 'Old Road' and the south by 'Doctors Lane', Rush, Co. Dublin.

Floor Area 3893.000 sq.m.

Time extension(s) up to and including

Additional Information Requested / Received 26/04/2000 / 21/06/2000

A Permission has been granted for the development described above, subject to the 21 condition(s) on the attached pages.

Signed on behalf of the Fingal County Council

Stephen Doris 27th September, 2000
for Senior Administrative Officer

D. McCarthy & Co.
Lynwood House,
Ballinteer Road,
Dublin 16.

COUNTY COUNCIL OF THE COUNTY OF FINGAL
PLANNING AND DEVELOPMENT ACT 2000
SECTION 154
ENFORCEMENT NOTICE

WHEREAS Fingal County Council (hereinafter called "the Council") is the Planning Authority for the County of Fingal in which are situate the lands and premises at site bounded to the north by "Old Road" and the south by Doctors Lane, Rush, Co.Dublin

AND WHEREAS planning permission under Planning Register Reference F00A/0173 was granted on the 27th day of September 2000 in respect of the said lands, subject to conditions, including condition nos. 7 and 8 as follows:-

Condition no. 7 required as follows;

"That an acceptable street naming and house numbering scheme be submitted to and approved by the County Council before any constructional work takes places on the proposed houses. The street naming scheme should be in both English and Irish and the Irish version should be an official translation which can be obtained by contacting the Official Translator, Dail Eireann. The proposed name should be derived from some local connection and/or historical meaning."

Condition no. 8 required as follows:

"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."

AND WHEREAS the said development authorised by the said Planning Permission has been commenced but has not been carried out in conformity therewith as required by the said Permission in that the grass verges alongside Old Road, Rush, had not been planted with trees and street name plates had not been erected.

AND WHEREAS the Council having considered only the proper planning and sustainable development of its area including the preservation and improvement of the amenities thereof, regard being had to the provisions of the County Development Plan 1999, and the terms of the said Permission, has decided that it is expedient to serve on you this Enforcement Notice.

NOW the Council, pursuant to Section 154 (5) of the Planning and Development Act, 2000 hereby requires you within a period of one month from the date of this Notice to take the following steps for securing the carrying out of the development in conformity with the said Permission, that is to say :- Full compliance with condition nos. 7 and 8 of planning permission granted under register reference F00A/0173

AND TAKE NOTICE that if, within the said period, the steps specified in this Notice to be taken by you have not been so taken, the Council may enter on the said lands and take such steps, including the removal, demolition or alteration of any structure and may recover any costs reasonably incurred by it in that behalf.

AND FURTHER TAKE NOTICE that you are hereby required to refund to the Council the sum of €350 being the sum of the costs and expenses incurred by the Council in relation to the investigation, detection and issue of this Notice and of the warning letter pursuant to Section 152 of the Planning and Development Act, 2000 on the 19th day of January 2004.



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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 plans submitted 21/06/00, 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 the water supply and drainage arrangements, including the disposal of surface water, be in accordance with the requirements of the County Council.

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

3. 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.

4. 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.

5. 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 the County Council.



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REASON: In the interest of amenity and public safety.

6. 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.

7. 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. The street naming scheme should be in both English and Irish and the Irish version should be an official translation which can be obtained by contacting the Official Translator, Dail Eireann. The proposed name should be derived from some local connection and/or historical meaning.

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

8. 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.

9. 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.



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10. That a satisfactory scheme of landscaping, including the proposed programme for such works, shall be submitted to and approved by the Council before any development commences. This shall include proposals for boundary walls constructed of local stone along the southern boundary of the site with Doctor's Lane.

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

11. Dwelling nos. 35 to 38 inclusive and the proposed turning circle located adjacent to the proposed area of public open space and parking spaces 38 to 48 shall be omitted from the development. Prior to the commencement of development an amended layout providing for the omission of dwellings 35 to 38 and reorientation of units 33 and 34 to face south towards Doctor's Lane and the relocation of a turning area to the front of these dwellings shall be submitted for the written agreement of the Planning authority.

Reason: In the interest of residential and visual amenity.

12. The walls shall be neutral in texture and of a light rendered or dash finish, the roof color, including ridge tiles shall be blue/black.

Reason: in the interests of the visual amenities of the area

13. That the following requirements of Council's Road Department be complied with:

1) All turning bays being a minimum of 14m x 6m in accordance with Fingal County Council Standards. 2) Footpath and kerb to be dished to the satisfaction of the Area Engineer, Roads Maintenance. 3) All underground or overhead services and poles to be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense. 4) The applicant shall consult with the Area Roads Engineer prior to the commencement of development and shall comply with all requirements of the Area Roads Engineer.

REASON: In the interest of pedestrian and traffic safety.

14. That the following requirements of Councils Environmental Services Department be



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complied with:

(a) Foul Sewer:

- The applicant shall ensure there is adequate cover on the top of the pipe.
- 1.2m in roads and carparks
- 0.9m in open spaces and footpaths
- 0.6m in garden.
- The foul sewer pipe shall be at least 1m horizontally from the water pipe and a minimum of 0.45m below the water pipe. If neither of these distances can be achieved or at crossings of the services, then the foul sewer pipe must be encased in 100mm concrete surround.

(b) Surface Water

- A levy of £15,000 shall be paid to Fingal County Council to enable improvement works on the stream and road crossing at the point where this development proposes to discharge. The work shall be carried out by Fingal County Council and will facilitate maintenance, reduce blockages and permit an improved mode of connection. This contribution to be paid before commencement of development on site. - The applicant shall ensure there is adequate cover on the top of the pipe
- 1.2m in roads and carparks
- 0.9m in open spaces and footpaths,
- 0.6m in garden.

(c) Water

The applicant shall provide for 24 hour storage.

Reason: In the interest of public health.

15. That the grass banking or natural boundary treatment along the western side of the site be retained and included in the landscaping plan to be submitted under condition no.11 for preservation.



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Reason: In the interest of visual amenity

16. Prior to the commencement of development the applicant shall enter into an agreement with the Council's Housing Department for the provision of social housing in accordance with section 4.6.4 of the 1999 Fingal County development Plan.

Reason: In the interest of social housing provision, social integration and to secure compliance with the Development Plan objective relating to housing.

17. That the area shown as open space be levelled, soiled, seeded and landscaped to the satisfaction of the County Council, and to be available for use by residents on completion of their dwellings. 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.

OR/.....

In lieu of the open space being developed by the applicants, a financial contribution of £300.00 per house shall be paid to the County Council to enable this work to be carried out. This cost to be paid on a phased basis as agreed with the Planning Authority.

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

18. That a financial contribution in the sum of money equivalent to the value of £1250 per house as on 1st January 1991, updated in accordance with the Wholesale Price Index-Building and Construction (Capital Goods) as published by the Central Statistics Office to the value pertaining at the time of payment shall be paid by the Developer to Fingal County Council towards the cost of road improvements and traffic management proposals in the area serving this site.
19. That a financial contribution of £40,100 (Euro 50,916) shall be paid by the developer to Fingal County Council towards the cost of provision of Class I Public Open Space in the area of the proposed development; this contribution to be paid before the commencement of development on the site.

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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.

20. That a financial contribution in the sum of £13,680 (Euro 17,370) be paid by the proposer to the Fingal 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.

21. 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 drains has been given by:-

A. Lodgement with the Council of an approved Insurance Company Bond or a Bond of any body approved by the Planning Authority in the sum of £54,000 (Euro 68,566) which shall be kept in force by him 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 £34,000 (Euro 43,171) 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.

c. Lodgement with the Planning Authority of a letter of guarantee issued by any body approved by the Planning Authority for the purpose in respect of the proposed development in accordance with the guarantee scheme agreed with the Planning Authority and such lodgement in any case has been acknowledged in writing by the Council.

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.

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NOTE:

All buildings must now be designed and constructed in accordance with the Building Regulations. The Building Control Regulations also provide that a Commencement Notice must be submitted to the Building Control Authority in respect of all buildings other than exempted development for the purposes of the Local Government (Planning and Development) Acts, 1963 - 1993, not less than fourteen days and not more than twenty-eight days before development commences. A copy of the form of Commencement Notice is attached.

In addition, with the exception of houses and certain agricultural buildings, a Fire Safety Certificate is required for all buildings (including apartments and flats), extensions and alterations and changes of use which are covered by the Building Regulations.