



## Board Direction

Ref: 06F.220370

The submissions on this file and the Inspector's report were considered at a Board meeting held on 7<sup>th</sup> March 2007. The Board decided to grant permission generally in accordance with the Inspector's recommendation, having regard to the following reasons and considerations and subject to the subsequent conditions.

### REASONS AND CONSIDERATIONS

Having regard to the applicant's established ties with the local community and to the provisions of the "Sustainable Rural Housing Guidelines for Planning Authorities" published by the Department of the Environment, Heritage and Local Government in April, 2005, and to the location of the site in an established cluster of houses, where services are available and within which the proposal would constitute infill development, it is considered that, subject to compliance with the following conditions, the proposed development would not be prejudicial to public health, would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

In relation to material contravention of Development Plan policy for housing in this area, the Board considered that permission should be granted having regard to the provisions of the "Sustainable Rural Housing Guidelines for Planning Authorities", published by the Department of the Environment, Heritage and Local Government in April 2005.

### CONDITIONS

1. (1) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. The applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (2) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (1) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or by any person deriving title from such a sale.

**Reason:** To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

2. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

3. Details of the site access shall be submitted to and agreed with the planning authority, prior to commencement of development.

**Reason:** In the interest of traffic safety.

4. An appropriate level of noise insulation shall be agreed with the planning authority prior to commencement of development and incorporated into the design of the dwelling to minimise the adverse effect of aircraft noise.

**Reason:** In the interest of public health having regard to the location within the inner noise zone of Dublin Airport.

5. 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. 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 or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme

**Reason :** It is a requirement of the Planning and Development Act 2000 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.