



Board Direction

Ref: 237160

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16th November, 2010.

The Board decided by a 2:1 majority to grant permission in accordance with the following draft reasons, considerations and conditions.

Reasons and Considerations

Having regard to the dual zoning of the site in the Rathkeale LAP 2007, the planning history (in particular permission granted under pl. reg. ref. 09198), the location in a serviced area within the town of Rathkeale and the pattern of development in the area, it is considered that, subject to conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not adversely affect the environment and would therefore not be contrary to the proper planning and sustainable development of the area.

Conditions

1. Plan/partic.
2. The layout of the proposed development shall be amended such that the front building line of the proposed houses is aligned parallel to the public road. Revised drawings

Reason: Int. of orderly development and maintenance of the established street pattern.

3. Waterdrain.
4. Public roads and footpaths.
5. Landscape.
6. Bond.
7. S.48.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that in circumstances where the greater part of the road frontage on the site is zoned residential and that part of the site zoned open space has been severed from the main body of open space and enclosed with residential property the proposed development would not be unduly prejudicial to the development objectives of the LAP. Furthermore, it is considered that in the light of the permission granted under 09198 in May 2009 the Board is not constrained in granting permission by virtue of section 37(2)(b)(iv) of the Planning and Development Act 2000.

Board Member: _____ Date: 18th November, 2010.
John O'Connor