



An
Bord
Pleanála

Board Direction
PL03.248573

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11th April 2018.

The Board decided by a 2:1 majority to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to:

- the provisions of the Clare County Development Plan 2017-2023
- the zoning of the site
- the pattern of development in the area
- the available and potentially available serviced overnight accommodation in Kilkee and its environs
- the planning history of the site
- the ongoing vacant status of the site, and
- the state of disrepair of the former hotel on the site and the resulting negative impact on the aesthetic and amenity value of the town at this seafront location,

it is considered that the proposed development would be acceptable in terms of visual amenity of the area and adjoining properties and would provide for the reuse of a long-term vacant building. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Furthermore, the Board considered that the proposed development would not be in contravention, materially or otherwise, of Objectives CDP9.5(a) and CDP9.25(d) of

the Clare County Development Plan 2017-2023 and would be in accordance with Objective CDP4.3(c) of the Plan.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the zoning of the site and noted that 'Multiple Residential Units' use is open for consideration. Having regard to the history of the site, the Board concluded that the proposed development would not set an undesirable precedent.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 25th day of May, 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

3. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance

with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

4. (a) A plan containing details for the management of waste within the development, including the provision of facilities for the separation, storage, and collection of the waste for each apartment unit, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

5. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

6. 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 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 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.

Board Member

Date: 16th April 2018

John Connolly