



## CLARE COUNTY COUNCIL

### **PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) NOTIFICATION OF DECISION TO GRANT PERMISSION (SUBJECT TO CONDITIONS) UNDER SECTION 34 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)**

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**To:** Daniel Griffin  
Unit 1 Westgate House  
Michael Street  
Limerick  
V94 VH7A

**Planning Register Number:** P20/912

**Application Received:** 02/12/2020

**Further Information Received:** 30/07/2021

In pursuance of the powers conferred upon it by the above mentioned Acts, Clare County Council has by order dated 10<sup>th</sup> September 2021 decided to **grant permission** for the development of land, namely:

**for the demolition of existing derelict out buildings and construction of 2 no. dwellings (detached), domestic garage, boundary fencing, connection to local authority sewer and all ancillary site works at Kilkee Upper, Kilkee, Co. Clare.**

Under Article 20 of the Planning and Development Regulations 2001 (as amended), the applicant shall remove the site notice following the notification of the Planning Authority's decision.

The Planning Authority in its decision has had regard to submissions/observations received (if any) in accordance with Planning and Development Regulations 2001 (as amended).

The reason for the decision is set out in the First Schedule hereto and is SUBJECT to the conditions set out in the Second Schedule hereto. The reason for the imposition of the said conditions are set out in the Second Schedule hereto **(13 Conditions)**.

#### **FIRST SCHEDULE-REASON**

Having regard to the zoning of the site, the policies of the current Development Plan and the pattern of existing residential 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 and will be in accordance with the proper planning and sustainable development of the area.

#### **SECOND SCHEDULE - CONDITIONS**

1. The development shall be carried out and completed in accordance with the drawings and particulars as received by the Planning Authority on the 2nd December 2020, as amended by the drawings and particulars as received by the Planning Authority on the 30<sup>th</sup> July 2021, except as may otherwise be required in order to comply with the following conditions.

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

2. The proposed dwellings shall be used for permanent residency only, and shall not be used for short-term letting as tourist accommodation.

**Reason:** The occupation of the proposed dwellings on a permanent basis is required to prevent an oversupply of holiday homes for short-term rental in Kilkee, in the interest of proper planning control, having regard to the County Development Plan 2017-2023, as varied.

3. The finished floor level of the proposed houses shall be as specified on the site layout plan as received by the Planning Authority on the 30<sup>th</sup> July 2021 and shall not be modified in any way without the written consent of the Planning Authority.

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

4. A footpath shall be provided by the developer/applicant at their own expense along the entire frontage of the site, in accordance with the site layout plan as received by the Planning Authority on the 30<sup>th</sup> July 2021. The footpath shall be ditched where necessary for the movement of vehicles across it. Details of the exact location, width, height, material finish and drainage arrangements of the footpath shall be submitted to the planning authority for agreement and approval prior to the commencement of development. The agreed footpath shall be completed in full within 6 months of the first occupation of the dwellinghouses.

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

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001-2019, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

**Reason:** In the interest of residential amenity and to safeguard the potential to develop lands within and adjoining the site.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

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

7. All surface water run-off from paved surfaces, roofs and parking areas within the site shall be collected and disposed of to soakaways within the site and shall not flow onto the road or into any public surface water drainage system.

**Reason:** In the interest of proper development.

8. Construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays inclusive and between 08:00 and 14:00 on Saturdays. No construction works shall take place on Sundays or public holidays.

**Reason:** To protect the amenities of adjacent properties, in the interests of orderly development.

9. (a) The rear garden of each house shall be bounded with two metres high concrete block walls, suitably capped and rendered, on both sides.

(b) No front boundary walls / fences shall be erected notwithstanding any "exempted development" provision. This shall be included in the sales agreement of each dwelling house.

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

10. Notwithstanding any drawings submitted, the following schedule of materials/finishes only shall be used in the proposed development:

(a) The roof shall be finished in natural quarry slate (salvaged or new) of black, dark grey or blue/black colour. The colour of the ridge tile shall be plain black and shall be of concrete or clay manufacture without raised edges or ribs;

(b) No changes are permitted to the agreed window and door sizes, positions, materials or designs. No neo-Georgian style plastic glazing bars or other decorations are permitted. The windows shall be of non-white uPVC/Aluminium or timber;



- ) The external doors on the front elevation shall be of solid timber and shall be painted;
- (d) No changes are permitted to the agreed external wall finishes.
- (e) No floodlighting of the proposed development is permitted.
- (f) All fascia and soffits and rainwater goods shall be dark in colour.

**Reason:** In the interests of visual amenity and in order to ensure a standard of materials and finishes appropriate to this area.

11. The proposed shed shall not be used for human habitation, or any commercial activity or for any other purpose than a purpose incidental to the enjoyment of the dwelling to which it is ancillary.

**Reason:** In the interest of residential amenity and the orderly development of the area.

12. (a) Demolition work shall be carried out by suitably qualified operatives under full time supervision, and exactly in accordance with the submitted method statement, with particular attention given to the residential properties in the vicinity.

(b) The Demolition Method Statement shall be kept on site during construction and available for inspection if required by an official of Clare County Council.

**Reason:** In the interests of orderly development and the proper planning of the area.

13. Prior to the commencement of development, the developer / applicant shall pay a contribution of **€11,098.00** to Clare County Council (Planning Authority) in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided for 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. At the time of payment, the contribution will be subject to any applicable adjustment in accordance with the relevant provisions of the Planning Authority's development contribution scheme in place at the time of payment. Any contributions owing post commencement of development may be subject to interest penalties.

**Reason:** It is considered appropriate that the developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the Planning and Development Act 2000 as amended, and that the level of contribution payable should be adjusted at a rate in the manner specified in that scheme.



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

10<sup>th</sup> September 2021

Daniel Griffin  
Unit 1 Westgate House  
Michael Street  
Limerick  
V94 VH7A

Ref No.: P20/912

**Re: Permission for the demolition of existing derelict out buildings and construction of 2 no. dwellings (detached), domestic garage, boundary fencing, connection to local authority sewer and all ancillary site works.**

A Chara,

I refer to attached notification of the decision to grant permission for the above development.

You are advised that:

Section 34 (13) of the Planning & Development Act 2000 (as amended) reads:

“A person shall not be entitled solely by reason of a Permission or Approval under this Section to carry out any development.”

This is referred to in the context of the need for the applicant to satisfy himself that he has full legal interest to develop this site.

Mise, le meas,

**ANNE O'GORMAN**  
**STAFF OFFICER**  
**PLANNING DEPARTMENT**  
**ECONOMIC DEVELOPMENT DIRECTORATE**