

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D20A/0406

Appeal by Colm and Dominique Carey of 30 Foster's Avenue, Mount Merrion, Blackrock, County Dublin and by others against the decision made on the 4th day of November, 2020 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Strand Court Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The proposed development relates to the demolition of the existing buildings on the site consisting of a vacant industrial building and two number dwellings, Number 24 Foster's Avenue (Glenville), and Number 28 Foster's Avenue (Sunnyside), removal of front boundary wall and all associated site works, all on a site at Numbers 24, 26 and 28 Foster's Avenue, Mount Merrion, Blackrock, County Dublin. Further public notices were received by the planning authority on the 9th day of October, 2020.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, to the 'A' Zoning Objective of the site, and to the nature of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of property in the vicinity, would not cause serious pollution in respect of air, water, noise, vibration or disposal of waste, would not be prejudicial to public health, would not cause serious injury to biodiversity and the natural environment, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 submitted to the planning authority on the 9th day of October, 2020 and by the further plans and particulars received by An Bord Pleanála on the 22nd day of December, 2020, 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. (i) The mitigation measures and monitoring commitments outlined in the Ecological (Biodiversity) Appraisal, Bat Assessment, Landscape and Arboricultural Statement, Demolition Waste Management Plan, and other plans and particulars submitted with the application and appeal, shall be carried out in full, except where otherwise required by conditions attached to this permission.
- (ii) Prior to commencement of development, the developer shall:
 - (a) submit a schedule of mitigation measures, monitoring commitments and details of a time schedule for implementation of same to the planning authority for its written agreement,
 - (b) engage the services of an appropriately qualified consultant with ecological and construction expertise as an environmental manager to ensure that the mitigation measures and monitoring commitments identified in the named reports and other plans and particulars are implemented and undertaken in full, and
 - (c) inform the planning authority in writing of the appointment and name of the consultant.
- (iii) Documentary evidence of the satisfactory completion of the mitigation measures and monitoring commitments shall be submitted to the planning authority for its written agreement.

Reason: In the interests of wildlife and environmental protection.

3. Prior to the commencement of development, the developer shall:
 - (i) engage the services of a qualified arborist as an Arboricultural Consultant for the entire period of works,
 - (ii) inform the planning authority in writing of the appointment and name of the consultant,

- (iii) submit to the planning authority for its written agreement, a revised Landscape and Arboricultural Statement with an updated Appendix 1: Condition Tree Assessment prepared by the Arboricultural Consultant,
- (iv) ensure the implementation of all recommendations in respect of tree removal, retention, protection, pruning, and other measures included in the relevant tree plans and particulars,
- (v) ensure all such tree felling, surgery and remedial works are undertaken in accordance with the applicable BS standards, supervised by, and to the satisfaction of the Arboricultural Consultant, and
- (vi) ensure that the Arboricultural Consultant:
 - (a) undertakes a post-demolition tree survey with an assessment of the condition of the retained trees,
 - (b) authorises a completion certificate when permitted demolition works are completed in line with the recommendations of the relevant tree plans and particulars, and
 - (c) submits the completion certificate to the planning authority for its written agreement.

Reason: In the interests of arboricultural and environmental protection.

4. The demolition of 24, 26, and 28 Foster's Avenue shall be undertaken in accordance with the terms and conditions of National Parks and Wildlife Service (NPWS) Derogation Licence Number: DER/BAT 2020-93, which may, as necessary, defer to/be superseded by any changes or clarifications agreed with the of National Parks and Wildlife Service in the event of an amended and/or new derogation licence issued by the of National Parks and Wildlife Service in respect of the demolition works.

In the event of any such amendments to the derogation licence pertaining to the demolition works, the developer shall submit a revised/updated Bat Assessment and Demolition Waste Management Plan incorporating the amended/new terms and conditions to the planning authority for its written agreement.

Reason: In the interests of clarity and wildlife protection.

5. The proposed development shall be managed in accordance with a Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan, which shall be in line with the preliminary Demolition Management Plan submitted to An Bord Pleanála on the 22nd day of December 2020, shall provide details of intended practices for the development, including:
- (a) appointment of a site liaison officer to ensure that the provisions of the Demolition Management Plan are implemented in full,
 - (b) location(s) for site offices, staff facilities, and site compound. Such location(s) shall be within (an) area(s) that do(es) not cause or require further tree felling than that which is hereby permitted,
 - (c) location(s) for area(s) for the storage of demolition refuse,
 - (d) details of site security fencing and hoarding(s),

- (e) details of on-site parking facilities for site workers during the course of the demolition works,
- (f) details of the timing and routing of demolition traffic to and from the site and associated directional signage, to include proposals to facilitate the delivery of machinery to the site,
- (g) measures to obviate queuing of demolition related traffic on the adjoining road network,
- (h) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (i) alternative arrangements necessary for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of the demolition works,
- (j) details of appropriate mitigation measures for noise, vibration, and air pollutants (asbestos and dust) associated with the demolition works, and monitoring of same,
- (k) off-site disposal of all demolition waste, including details of the removal and disposal of asbestos containing material,
- (l) measures for the eradication and disposal of invasive species from the site, and
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains, public roads, and/or adjacent properties.

A record of daily checks that the works are being undertaken in accordance with the Demolition Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of amenities, public health, and safety.

6. Drainage arrangements, including disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

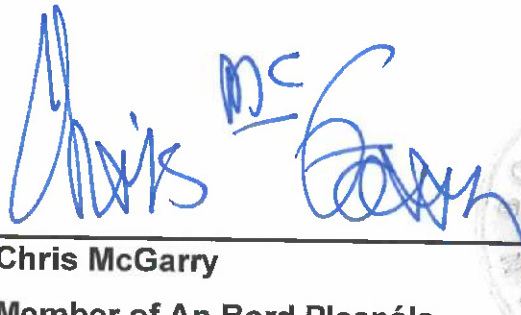
Reason: In the interests of public health and surface water management.

7. Demolition waste shall be managed in accordance with a Demolition Waste 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. The plan shall include details of waste to be generated during demolition and site clearance phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

8. Demolition and site clearance works shall be carried out 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 agreement has been received from the planning authority.

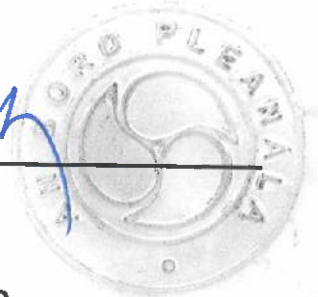
Reason: In order to safeguard the amenities of properties in the vicinity.



Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 27th day of September 2022.