

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 4275/15

An Bord Pleanála Reference Number: PL 29S.246314

APPEAL by Cian O'Tighearnaigh and Eileen Punch care of Mackay Architecture Design of 22 Oakley Grove, Blackrock, County Dublin against the decision made on the 19th day of February, 2016 by Dublin City Council to grant subject to conditions a permission to Crekav Landbank Investments Limited of 4 Inver Mews, Old Chapel Ground, Arklow, County Wicklow in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Relocation of the ESB MV sub-station (unconstructed) as approved under An Bord Pleanála appeal reference number PL 29S.237974 (planning register reference number 2966/10) from the west of the site to a location to the north-eastern boundary along Mount Argus Road, with all associated site development works and site layout amendment works at Lot 1, Kimmage Road Lower and Mount Argus Road, Mount Argus, Harolds Cross, Dublin. The site is located within the former attendant grounds of Mount Argus Church bounded generally by Kimmage Road Lower to the south-east, the private access road to Mount Argus Church and Monastery to the south-west, Mount Argus Church (Protected Structure, Reference number 4260) and Monastery to the north-west; and Mount Argus Road to the north.

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 condition set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the nature, design and limited scale of the proposed development, the planning history of the site, the existing and emerging pattern of development in the vicinity of the site and the separation distance between the proposed development and the existing and proposed dwellings it is considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the residential amenities of neighbouring dwellings or adjacent dwellings, would not seriously injure the visual or other amenities of the area and 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, 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. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

3. Site development and building 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.