



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 4421/18

Appeal by Aidan Murphy care of Reid Associates of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin and by Others against the decision made on the 18th day of January, 2019 by Dublin City Council to grant subject to conditions a permission to IPUT Public Limited Company care of Sheehan Planning of 44 Balnagowan, Palmerston Park, Dartry, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: A 10-year permission for development on lands at: (A) Lands at Wilton Park House, Gardner House and Lad Lane Apartments, Cumberland Road and Wilton Place, Dublin (bounded by Wilton Place to the south-east, Cumberland Road to the south-west and Lad Lane to the north-west) ('Plot 1' [circa 0.95] hectares); (B) Wilton Park, Dublin (bounded by Wilton Place to the north-west and north-east and Wilton Terrace to the south and south-east ('Plot 2' (circa 0.62 hectares)); and (C) adjacent public roads. Indicative development, including resurfacing and traffic management works to adjacent public roads (including Lad Lane, Cumberland Road, Wilton Place and Wilton Terrace), ancillary to the main development at Plots 1 and 2 above and subject to agreement with Dublin City Council's Environment and

Transportation Department ('Plot 3' [circa 0.197 hectares]). The proposed development includes the following elements: (A) 'Plot 1': the demolition of the existing up to seven-storey structures (circa 24,476 square metres and 256 car parking spaces) on this part of the site and the construction of a new up to seven-storey mixed-use office development over lower ground floor (circa 48,879 square metres office, circa 1,258 square metres food and beverage/retail, circa 625 square metres leisure and circa 94 square metres retail services) and two ancillary basement levels in three interlinking blocks (to be known as 'Two', 'Three' and 'Four Wilton Park', respectively) arranged as follows: (i) Two Wilton Park. Office, food and beverage and leisure use comprising of a gym (circa 470 square metres), cafe/food-hall/wine bar (circa 229 square metres) and offices (circa 2,102 square metres) at lower ground floor level; gym (circa 155 square metres), speciality coffee shop (circa 120 square metres), cafe/food-hall/wine bar (circa 354 square metres) and offices (circa 1,032 square metres) at ground floor level; and circa 13,479 square metres offices from first floor level upwards; (ii) Three Wilton Park. Office, food and beverage and facilities management use, comprising of a restaurant (circa 285 square metres) and offices (circa 2,094 square metres) at lower ground floor level; retail services (circa 94 square metres), restaurant (circa 270 square metres), and offices including facility management offices (circa 1,468 square metres) at ground floor level; and circa 11,481 square metres offices from first floor level upwards; and (iii) Four Wilton Park. Office use throughout (circa 17,225 square metres). The development of Plot 1 will also involve the construction of a circa 1,174 square metres public square (between Two and Three Wilton Park, opening onto Wilton Place [west]); the creation of a new public route linking Lad Lane with the new square; circa 122 car parking spaces at basement level (accessed via a ramp opening onto Cumberland Road), circa 500 cycle spaces, plant, waste and ancillary areas at basement level; rooftop plant, landscaping on rooftops and within the overall site area, roof gardens and terraces, external street furniture, lighting to landscaped areas and all other associated site excavation, safety hoardings and ancillary development and site works above and below ground. (B) 'Plot

2': alterations to the existing layout and access arrangements of Wilton Park, including provision of a pavilion/tea room (circa 74 square metres) and ancillary plant enclosure, relocation and refurbishment of the existing fountain, reconfiguration of part of the park fencing, replacement of some hedging and trees with new planting, installation of new park furniture, the addition of new gated openings at the Cumberland Road/Wilton Place junction, the installation of timber children's play equipment, wayfinding lighting and all associated and ancillary development and site works above and below ground. (C) 'Plot 3': The proposed development includes indicative environmental improvement works to the adjacent public streets, including Wilton Place, Wilton Terrace, Cumberland Road and Lad Lane. All indicative works affecting the public streets are subject to detailed agreement with the Environment and Transportation Department of Dublin City Council. The indicative works may include the reconfiguration of Wilton Place (west) to a one-way traffic system (west to east - including removal of 15 on-street car parking spaces), reconfiguration of the Wilton Terrace/Cumberland Road/Wilton Place road junction, provision of pedestrian crossing areas, provision of loading bays (one on Cumberland Road and two on Lad Lane - including removal of three car spaces on Cumberland Road and three on Lad Lane); removal of the existing office vehicular entry at the corner of Wilton Place (east and west) and relocation to Cumberland Road; all of the preceding to include all associated and ancillary development and site works above and below ground, at Wilton Park House, Gardner House, Cumberland Road, Dublin.

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.

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 'Z6' zoning objective relating to the subject site which seeks to facilitate enterprise and employment uses, it is considered that the proposed mixed-use predominantly office development together with the indicative environmental works to be carried out on the adjoining road network would, subject to compliance with the conditions set out below, not seriously injure the amenities of the area or of property in the vicinity. It is also considered that the proposed development would be compatible with the provisions of the Dublin City Development Plan 2016-2022, would not adversely or materially impact upon the character or the architectural significance of the Conservation Area designation it forms part of, nor would it seriously injure the visual amenities of the area or residential amenities of property in the vicinity. 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, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development and the visual amenities of the area.

3. The alterations to the existing layout and access arrangements at Wilton Park, Plot 2, including the provision of a pavilion/tea room and ancillary plant enclosure shall be omitted. A revised scheme which adequately addresses the geometry and context of Wilton Park shall be submitted as part of a separate planning application to the planning authority.

Reason: In the interest of orderly development.

4. This permission is granted for a period of seven years from the date of this order.

Reason: To ensure a satisfactory standard of development.

5. The primary function of the restaurant/café shall be for the sale of food, meals and refreshments for consumption on the premises. The units shall not be used as a public house or a fast food take-away for the consumption of hot meals off the premises.

Reason: In the interest of environmental amenity.

6. Details of all proposed shopfronts and signage associated with the retail, restaurant and café use, including illumination and lighting details, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of property in the vicinity.

8. No fans, louvres, ducts or other external plant other than those shown on the drawings hereby permitted shall be installed unless authorised by a prior grant of planning permission.

Reason: In the interest of visual amenity.

9. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 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 amenities of property in the vicinity.

10. Site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept free from debris, soil and other material and if the need arises for cleaning works to be carried out on adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that adjoining roadways are kept in a clean and safe condition during the construction works and in the interest of orderly development.

11. The developer shall comply with requirements of the Environmental Health Section of Dublin City Council. Details of any requirements in relation to environmental health shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

12. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

13. The applicant or developer shall enter into a water and/or wastewater connection agreement with Irish Water prior to commencement of development.

Reason: In the interest of public health.

14. The following requirements of Dublin City Council's Transportation Planning Division shall be complied with:
 - (i) Car parking spaces shall be permanently allocated to the proposed use and shall not be sold, rendered or otherwise sublet or leased to other parties.
 - (ii) Cycle parking shall be provided in accordance with development plan standards. A total of 500 cycle parking spaces shall be provided on site. Cycle parking should be secure, conveniently located, sheltered and well lit. Shower and changing facilities shall also be provided as part of the development. Key/fob access shall be incorporated into cycle compounds.

Reason: In the interest of sustainable transport.

15. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development including traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and of residential amenity.

16. Prior to the occupation of development, a Mobility Management Strategy Plan shall be submitted to, and agreed in writing with, the planning authority. This strategy shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility management strategy plan shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

17. Alterations to the proposed road network serving the proposed development along Wilton Place, Cumberland Road, Wilton Terrace and Lad Lane, including the provision of turning bays, junctions, roundabouts, parking areas, footpaths, kerbs, paving and signage shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

18. Any original stone granite kerbs on Wilton Place shall be retained and incorporated into the new scheme. Details in this regard shall be agreed in writing with the planning authority prior to commencement of development.

Reason: To safeguard the visual amenities and built heritage of the conservation area.

19. 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. The plan shall include details of waste to be generated during site clearance and construction 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.

20. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Details of construction times;
- (b) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (c) Location of areas for construction site offices and staff facilities;
- (d) Details of site security fencing and hoardings;
- (e) Details of on-site car parking facilities for site workers during the course of construction;
- (f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

- (g) Measures to obviate queuing of construction 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 to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (j) Provision of parking for existing properties at Lad Lane Upper and Cumberland Road during the construction period;
- (k) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (l) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (m) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (n) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

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

21. Comprehensive details of the proposed lighting system to serve the development, including the hard and soft landscaping associated with the plaza/square on Wilton Place, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed lighting system shall be implemented and operational before the proposed development is made available for occupation.

Reason: In the interests of public safety and visual amenity.

22. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

23. 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.

24. 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.

25. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the development in the Luas Cross City area in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

26. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

Paul Hyde

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

Dated this day of 2019.