

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3300/20

Appeal by Patricia J. Hodgins of 21 Brabazon Court, 2 Gilford Road, Sandymount, Dublin against the decision made on the 27th day of January, 2021 by Dublin City Council to grant subject to conditions a permission to IPUT plc care of Sheehan Planning of 44 Balnagowan, Palmerstown Park, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: A seven-year planning permission for development at site comprising of Wilton Square and adjacent public roads. The proposed development involves amendments to indicative road works previously permitted under An Bord Pleanála ABP-303706-19 and revised proposals for Wilton Square (the park), previously refused permission under An Bord Pleanála ABP-303706-19. The proposed development includes the following elements: Wilton Square: (circa 0.62 hectare). The proposed development includes closure of an existing entrance and path leading from Wilton Terrace to the park fountain (including closing the existing gate and grassing over the path); creation of a new entrance and pathway from Wilton Terrace to the fountain to match its historic position (including the creation of an opening in the existing railings and plinth wall); restoration of the historic fountain in its current location; creation of two new entrances to the park (one from Wilton

Terrace and one from Wilton Place, including the creation of new openings in the existing railings and plinth wall); removal of some low-level planting and trees and introduction of new low-level planting and trees; installation of new park furniture; installation of wayfinding lighting and all associated and ancillary development and site works above and below ground. Adjacent public roads: (circa 0.21 hectare). The proposed development includes works to the adjacent public roads, including sections of Wilton Place, Wilton Terrace, Cumberland Road and Lad Lane. These works include road resurfacing and reconfiguration, changing Wilton Place (from Cumberland Road to the LinkedIn corner) to a one-way traffic system (northwards from Cumberland Road to LinkedIn); removal of 16 number on-street car parking spaces (12 number from Wilton Place, three number from Lad Lane and one number from Cumberland Road), reconfiguration of the Wilton Terrace/Cumberland Road/Wilton Place road junction, provision of pedestrian crossing areas, provision of three loading bays (one on Cumberland Road, one on Lad Lane and one on Wilton Place); all of the preceding to include all associated and ancillary development and site works above and below ground, all at Wilton Square, Dublin and adjacent Public Roads.

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 parent permission for the site ABP-303706-19 as subsequently amended by planning register reference number 3099/20, the nature of the proposed development, the existing urban environment, the Z9 zoning objective that applies to Wilton Square, the unzoned nature of the public roads, the site's location within a designated Conservation Area and partly within an Architectural Conservation Area, the site's close proximity to public transport and existing bicycle infrastructure, the site's close proximity to the Grand Canal proposed Natural Heritage Area and subject to compliance with the conditions set out below, it is considered that the proposed development would restore the historic integrity of the original formal layout of Wilton Square, would contribute positively to the character and distinctiveness of the designated conservation area, would enhance the character and appearance of the conservation area and would be in accordance with Policy CHC4 of the Dublin City Development Plan 2016-2022. The proposed would not individually (or in combination with other plans or projects) be likely to have significant effects on the environment nor would it be likely to have a significant effect on designated European Sites, would not seriously injure the visual amenities, built heritage or character of the area and would be acceptable in terms of traffic and road 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 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. The developer shall comply with all of the terms and conditions of the parent application planning register reference 4421/18 and An Bord Pleanála reference ABP-303706-19 including its expiry, as subsequently amended under planning register reference 3099/20 save for amendments made by this application.

Reason: In the interest of clarity.

3. Details of the materials, colours and textures of all the materials including paving to public roads, railings, gates, restored paths, park furniture, street furniture and lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The road works serving the proposed development including junctions, parking areas, footpaths, kerbs and materials shall comply with the detailed standards of the planning authority for such road works and shall comply with all of the relevant aspects of the Design Manual for Urban Roads and Streets.

Reason: In the interests of pedestrian and traffic safety.

5. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the park, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

6. Drainage arrangements (including the disposal of wastewater from the fountain) shall comply with the requirements of the planning authority for such works and services, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of public health

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

8. The proposals of the Landscaping and Public Realm Amendment Report as submitted to the planning authority on the 2nd day of September, 2020, as amended by the further plans and particulars including drawing number TOWN658(08)3001, submitted on the 22nd day of December, 2020 shall be carried out within the first planting season following substantial completion of works to the Wilton Square (Park). All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

9. A minimum of 10% of all proposed car parking spaces shall be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals for agreement in writing with the planning authority prior to the commencement of development.

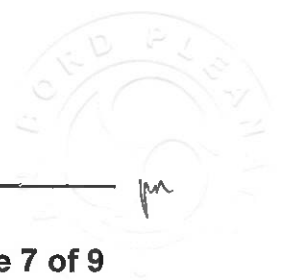
Reason: In the interest of orderly development and to provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

10. 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 hours of working, noise management measures, proposals for the suppression of dust in the area and off-site disposal of construction/demolition waste.

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

11. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.



12. 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.

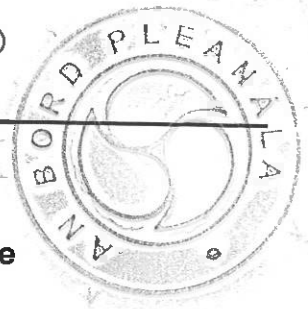
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

13. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City Scheme 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.


Paul Hyde

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



Dated this 26th day of December 2021.