



An
Bord
Pleanála

Board Order

PL 29S.247816

Planning and Development Acts 2000 to 2016

Planning Authority: Dublin City Council

Planning Register Reference Number: 2962/16

Appeal by An Taisce of Tailors' Hall, Back Lane, Dublin against the decision made on the 2nd day of December, 2016 by Dublin City Council to grant subject to conditions a permission to Luxor Investments Limited care of McGill Planning Limited of 7 Fitzwilliam Street Upper, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development consisting of the following: demolition of two existing warehouses (totalling circa 381 square metres); construction of an eight storey over two storey basement hotel extension providing 103 number additional bedrooms (to bring the total to 255 number bedrooms); east/west/north facing terrace at fifth/sixth/seventh floor; provision of a spa and wellness treatment area at basement levels, gym and juice bar at ground/mezzanine floor and bar at seventh floor; modifications to existing hotel building to include extension of the function room, ground floor plant room and additional lift; provision of bicycle parking at basement level; total additional gross floor area of the hotel extension circa 5,819 square metres and all associated site development, site services provision, plant rooms, landscaping and boundary treatment works at the site of circa 0.41 hectares at Radisson Blu Royal Hotel, Golden Lane, Dublin. The site is bounded to the north by a surface car park, to the south by Golden Lane, to the east by Woodchester House, Le Pole House and 21 Ship Street Great and to the west by Chancery Lane,

as amended by the further public notice received by the planning authority on the 7th day of November, 2016.

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 provisions of the Dublin City Development Plan 2016 to 2021, and to the nature, and scale of the proposed development, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information received by the planning authority on the 18th day of October 2016, 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 development shall be amended by the omission of one intermediary floor level in its entirety in Build 2. The recessed top floor level shall be retained. Revised plans shall be submitted to, and agreed in writing with, the planning authority before development commences.

Reason: In the interest of visual amenity and to increase the level of daylight and sunlight for the proposed Le Pole Square.

3. Details, including samples 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 the visual amenities of the area.

4. Prior to commencement of development, proposals for signage on the façade of the development, shopfront details and historical wall inscriptions shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development.

5. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, other than signage agreed in writing under condition number 4 of this permission shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

6. The developer shall comply with the following requirements in relation to Le Pole Square:
- (a) Prior to the commencement of the development, a detailed landscaping plan for Le Pole Square shall be submitted to, and agreed in writing with, the planning authority.
 - (b) This landscaping plan shall include details of a commemorative feature for the former Round Tower (Recorded Monument).
 - (c) Prior to the first occupation of any part of the proposed development, Le Pole Square shall be fully completed and landscaped in accordance with the agreed landscaping plan, to the written satisfaction of the planning authority.
 - (d) The pedestrian accesses from Le Pole Square to Chancery lane and Ship Street Great shall be maintained, well-lit and any gates shall remain open from 0700 hours to 2200 hours daily.

Reason: In the interests of orderly development, residential and visual amenity, permeability and to ensure the civic amenity of the urban space of the church.

7. The developer shall comply with the following archaeology requirements:
- (a) No construction or site preparation work may be carried out on the site until all archaeological requirements of the City Archaeologist are complied with.

- (b) The archaeological mitigation strategy to be adopted shall be as outlined in the Archaeology Impact Assessment submitted in response to the Further Information request. This strategy shall be further developed and determined in consultation with the City Archaeologist.
- (c) Prior to the commencement of development, detailed design proposals for the preservation area (including viewing areas) shall be developed and agreed with the City Archaeologist. The design shall commemorate the site as an important historic place of burial.
- (d) Detailed proposals for the in-situ presentation of the site of the church shall be developed further structurally, architecturally and archaeologically, and agreed with the City Archaeologist prior to the commencement of development.
- (e) Details of the proposed construction methodology, including the phasing of any archaeological excavation, and the location of site compound, shall be agreed with the City Archaeologist prior to the commencement of development.
- (f) In the event that another portion of the site within the applicant's ownership is under construction consecutively/successively, the archaeological methodology shall be reviewed and updated to reflect this scenario and shall refer to both areas as an overall archaeological site strategy.
- (g) Proposals and funding for further archaeological analysis and research into the human remains previously excavated at the site of the church and graveyard of Saint Michael Le Pole shall be further developed and agreed with the City Archaeologist within a research framework (INSTAR Medieval Dublin etc.).

- (h) Prior to the commencement of development, the location of the pile walls shall be excavated to natural subsoil following the demolition of the existing structures at Chancery Lane. The aim of the excavation in this location is to mitigate for the impact of piling through potential graveyard deposits/ archaeological remains and to determine whether burials extend to the west of the known graveyard wall. The results of the excavation of the pile wall trenches shall determine the location or omission of the proposed basement. The results of the excavation of the pile walls shall determine the location, method, and extent of archaeological hand excavation for the remainder of the site. The developer shall provide details of how they intend to mitigate for impact on any archaeological features or burials found during excavation of the secant pile walls. The final mitigation strategy shall be agreed with the City Archaeologist.
- (i) Archaeological excavation, as described below, shall be carried out prior to the commencement of development:
 - (i) The developer shall retain a licensed archaeologist to carry out the archaeological requirements of the City Archaeologist.
 - (ii) No construction or site preparation work may be carried out on the site until all archaeological requirements of the City Archaeologist are complied with.
 - (iii) The project shall have an archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations, that is, boreholes, engineering test pits, etc., carried out for this site as soon as possible and before any site clearance/construction work commences.
 - (iv) An archaeological method statement for impact mitigation including temporary and enabling works shall be agreed in advance in writing with the City Archaeologist.

- (v) Where impact is unavoidable, all in-situ features, including post medieval, must be fully recorded prior to removal by hand excavation (unless methodology otherwise agreed).
- (vi) Once archaeological layers have been exposed, the ground shall be reduced as an archaeological exercise using archaeological hand excavation techniques. In the event of in-situ articulated human remains or other significant archaeological deposits being located during the course of this work, the archaeologist retained by the developer shall immediately notify the City Archaeologist and the National Monuments Service. Should such archaeological features be of great significance as determined by the City Archaeologist and the National Monuments Service their preservation in-situ shall be required. This may negate, or curtail, aspects of the development, and any such changes shall be agreed in writing with the planning authority or be the subject of a separate planning application, as determined by the planning authority.
- (vii) The ground shall be reduced to the base of the archaeological deposits.
- (viii) A finds-retrieval strategy shall be developed by the licensed archaeologist and shall be submitted to, and agreed in writing with, the National Monuments Service and the City Archaeologist.
- (ix) The developer shall fund the post-excavation work and sufficient resources allocated to ensure that correct archaeological procedures are adhered to.
- (x) The developer shall fund the public dissemination of the findings of archaeological investigations and excavations.

- (xi) A written and digital report (on compact disc) containing the results of the archaeological excavation and post-excavation shall be submitted on completion to An Bord Pleanála and to the National Monuments Service.
- (xii) Following submission of the Final Report to the City Archaeologist, the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council) and lodged with the Dublin City Library and Archive or with another appropriate repository to be otherwise agreed with City Archaeologist within two years of excavation completion.

Reason: In the interest of preserving in-situ or preserving by record archaeological material likely to be damaged or destroyed in the course of development at the site of a Recorded Monument.

- 8. (a) 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 noise management measures and off-site disposal of construction/demolition waste.
- (b) Cycle parking shall be secure and well lit.
- (c) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interest of traffic safety and orderly development

9. (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeqT.
- (b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be subject to the same locational and decibel exceedence criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at LAeqT.
- (c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either
- (i) during a temporary shutdown of the specific noise source, or
 - (ii) during a period immediately before or after the specific noise source operates.
- (d) When measuring the specific noise, the time (T) shall be any five minute period during which the sound emission from the premises is at its maximum level.
- (e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. An acoustical analysis shall be included with this submission to the planning authority.

Reason: In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

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

Reason: In the interest of public health and to ensure a proper standard of development.

11. 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 and for the ongoing operation of these facilities 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.

12. An asbestos survey shall be carried out on the buildings to be demolished. Any asbestos containing materials (ACM) identified shall be removed by a licenced waste contractor.

Reason: In the interest of public health and to ensure a proper standard of development.

13. 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: To safeguard the residential amenities of adjacent dwellings.

14. Detailed measures in relation to the protection of bats and swifts shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat or swift populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

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

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

16. 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. The application of any indexation required by this condition 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.

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.

