



An
Bord
Pleanála

Inspector's Report 29S.247816

Development	Demolish warehouses and construct two x 8-storey hotel extensions.
Location	Radisson Blu Hotel, Golden Lane and Chancery Lane, Dublin 8
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2962/16
Applicant(s)	Luxor Investments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	An Taisce
Observer(s)	None
Date of Site Inspection	5 th May & 2 nd June 2017
Inspector	Karla Mc Bride

1.0 Site Location and Description

- 1.1. The appeal site is located on the S side of Dublin City Centre and to the S and W of Dublin Castle. The surrounding area is mixed use in character and it comprises a mix of commercial, residential and institutional uses. The site forms part of a large rectangular shaped urban block that is defined by Ship Street Little to the N, Ship Street Great to the E, Golden Lane to the S and Chancery Lane to the W. The office building occupied by the Chief State Solicitors Office occupies the N section of this block. The Radisson Blu Hotel and adjoining and office block occupy the S section. The central section is occupied by warehouse buildings and surface car parks.
- 1.2. The block is also located within the vicinity of the original settlement of Dubh-linn and to the S of the River Poddle and W of the Black Pool. Early Christian, Viking and Medieval remains were uncovered during archaeological excavations. The use of the lands date back to the 7th Century and the remains of the 11th Century St. Michael le Pole Church and graveyard are located in the centre of the block.
- 1.3. The appeal site is located in the S section the block. It comprises the existing Radisson Blu Hotel, warehouse buildings and the site of the St. Michael le Pole Church and graveyard. The site is bound to the N by a surface car park with the offices of the Chief State Solicitor beyond. The car park lands are also owned by the applicant and are the subject of a concurrent planning appeal under PL29S.248136 for a 6-storey building comprising a convention centre with apartment use over. The site is bound to the E by vacant warehouse buildings with Ship Street Great with a terrace of buildings which form part of the Dublin Castle complex beyond. The adjoining warehouse site is the subject of a concurrent planning appeal under PL29S.247947 for a 7-storey hotel, and this site adjoins Le Pole House to the S. The site is bound to the W by Chancery Lane with apartment and office buildings beyond.

- 1.4. The site has a multi-layered history which dates back to the 7th Century, it lies within a Zone of Archaeological Interest, St. Michael Le Pole Church, round tower and graveyard are Recorded Monuments, and the Dublin Castle Complex to the N and E contains several Protected Structures.
- 1.5. This report should be read in conjunction with the reports attached to PL29S.248136 and PL29S.247947 for the redevelopment of the adjacent sites to the N and E. The appeal site and the adjoining site located to the N is owned by the same applicant. The subject site comprises Phase 1 and the adjoining site to the N (PL29S.248136) comprises Phase 2 of the overall development of the applicant's lands.

2.0 Proposed Development

- 2.1. Planning permission is being sought to extend and modify the existing hotel:
- Demolish existing warehouses (c.381sq.m)
 - Construct a c.5, 819sq.m extension on the c.0.41ha site in 2 blocks.
 - Build 1: construct an 8-storey extension (reduced to 6 by way of FI) over an existing 2-storey podium.
 - Build 2: construct an 8-storey extension over a 2-storey basement.
 - Provide an additional 103 bedrooms (overall total of 255), basement level spa, ground level gym, and 7th floor bar.
 - Modifications to include an extension to the function room, ground floor plant room and additional lift.
 - Basement bicycle parking spaces.
 - All associated site works, landscaping and boundary treatment.

Accompanying documents:

- Planning report
- Urban Design & Masterplan report

- Visual Impact report
- Archaeology report
- Engineering Services report
- Mechanical and Electrical Services report
- Preliminary Waste Management report
- Preliminary Construction Management report

3.0 Further Information

3.1. Further information was requested and submitted in relation to the following:

1. Planning:

The impact of the height, scale and proximity of the two extensions on the proposed heritage square and Preservation Zone at St. Michael Le Pole RM with regard to overshadowing, overbearance and encroachment into the unexcavated graveyard area; and a significant reduction in height and setback requested along with the provision of:

- a. Sunlight and Daylight analysis of the revised proposal.
- b. Inclusion of Le Pole Square & pedestrian linkages to Ship Street Great and Chancery Lane within the red line along with detailed proposals.
- c. Design proposals for the in-situ presentation of the RM site and Preservation Zone, including a viewing area from the hotel terrace.
- d. Liaise with adjoining landowners to allow for a coherent and consolidated approach to the redevelopment of the site to address its heritage values and its key location in promoting linkages between Dublin Castle and St. Patrick's Cathedral.
- e. Revised photomontages, to include medium distance views from Dublin Castle.

2. Archaeology:

- a. Reduce height and increase setback of central podium.
- b. Setback the overhanging structure to the S and W to respect the line of the C19th graveyard boundary & eliminate mini piles in graveyard soils.
- c. Detailed design proposals for the Preservation Area.
- d. Detailed proposal for the in-situ preservation of the RM.
- e. Details of the Construction Methodology for Phase 1, location of compounds and archaeological IA and mitigation strategy.
- f. Mitigation measures for impacts on medieval layers, features or burials in the cation of the secant pile walls.
- g. Proposal for future research on the excavated burials.

3. Conservation:

- a. 3-D modelling of proposal relative to Dublin Castle
- b. Details of the proposed routes and links into the courtyard spaces.
- c. Review of the Ship Street elevation relative to the C19th barracks.
- d. Review of the presentation of the church ruins in the courtyard space.

4. Ecology:

- a. Submit a bat survey of the existing warehouse buildings along with any mitigation measures to maintain any bat usage of the site.
- b. Submit a swift's nest survey of the existing warehouse buildings along with any mitigation measures to preserve any swift nest sites.

3.2. The proposed development was amended as follows by the FI submission:

- The red line boundary was extended to include Le Pole Square and the E-W route through the site between Chancery Lane and Ship Street Great.
- Height of Build 1 (to the S of le Pole Square) reduced to 6 storeys (21.15m) with the N elevation set back by 1.5m from the RM Preservation Zone.

- Setback of the W elevation at ground floor and mezzanine of Build 2 by 3.92m from the RM Preservation Zone.
- Additional set back of the top floor levels of Build 1 & 2 from the elevations with Le Pole Square.
- Omission of mini piles for Build 1 from within the RM Preservation Zone.
- The setback of Build 1 & 2 and inclusion of Le Pole Square within the red line boundary has resulted in a larger urban square within the development site.

4.0 **Planning Authority Decision**

4.1. **Decision**

Following the receipt of FI, the planning authority decide to grant planning permission for the proposed development subject to 15 standard conditions.

- No.4 required that the pedestrian accesses from Le Pole Square to Chancery Lane and Ship Street Great be maintained, well-lit & open for day time hours.
- No.7 set out the detailed requirements of the City Archaeologist.

4.2. **Planning Authority Reports**

Planning Reports

The first report of the planning officer required the submission of Further Information and the response was considered acceptable. The second report recommended that planning permission be granted for the proposed development subject to compliance with conditions. The City Planning Officer accepted the planning officer's report which is reflected in the decision of the planning authority.

Other Technical Reports

City Archaeologist noted the historical importance of the site, raised concerns in relation to the impact of the works on archaeology & the quality of the Preservation Square, and requested FI. No objection after receipt of FI, subjection to conditions.

Conservation Officer requested FI in relation to 3-D modelling, details of pedestrian routes, review of the relationship with Ship Street Great, and a review of the presentation of the ruins. Following the receipt of FI, the CO raised concerns in relation to impacts on the character & setting of Le Pole Square & Dublin Castle.

Roads & Traffic had no objection subject to compliance with conditions.

Waste Management had no objection subject to compliance with conditions.

Drainage Division had no objection subject to compliance with conditions.

Environmental Health had no objection subject to compliance with conditions.

4.3. Prescribed Bodies

Department of Arts, Heritage and the Gaeltacht requested that the applicant carry out a Bat and Swifts nest survey of the existing warehouse buildings.

Transport Infrastructure Ireland had no observations.

4.4. Third Party Observations

An Taisce raised the following concerns in relation to original proposal:

- Excessive heights which would result in a cramped and oversized collection of buildings and spaces that are poor in sunlight, aspect and associated open space; reduce light to the rear windows of Le Pole House and the hotel; and create a constrained courtyard with poor daylight penetration.
- The 2-storey basement would further affect important archaeological heritage.
- The shadow analysis indicates that St. Pole Square will be largely in shadow for most of the year.
- The buildings will overlook and overshadow adjacent property and spaces.

- The section along Chancery Lane should be scaled down from that at the junction of Golden Lane and Chancery Lane.
- Interior buildings should be secondary in scale and character.
- The archaeological heritage should be adequately protected.

An Taisce raised the following concerns in relation to revised (FI) proposal:

- The priority should be to complete a coherent street frontage of 4-5 storeys around the overall block, with smaller scaled internal blocks.
- Scale and density remains grossly excessive.
- The height of the 7-storey block along Chancery Lane is excessive with no regard to the prevailing pattern of development, it is 2 storeys too high and fails to adjust its floor levels relative to the fall in the street.
- The 6-storey block to the rear is excessive & it should be no more than 3 storeys high; the Ship Street/Werburg Street Plan does not envisage development here, with the hotel courtyard and Le Pole Square linked.
- The proposed development on the adjoining site to the N (also in the applicant's ownership) is in excessive in scale relative to the existing street, plot widths, height and historic surroundings
- Proposal amounts to a gross overdevelopment and needs to be revised.

Wave Point Ltd (owners of the adjoining site to the E) requested that the applicant be requested to liaise with this observer given the proximity of the two sites.

5.0 Planning History

5.1. Appeal site: Chancery Lane & Ship Street Great

4422/04: Permission granted for a 0.43ha site comprising a 5-9 storey hotel and a 6-storey office block. Vehicular access off Ship Street Great via the existing access ramp to Le Pole House with a separate egress onto Chancery Lane. Conditions

related to the omission of the 5th & 7th floors, maintenance of the semi-public open space and pedestrian access connecting to the right of way to Ship Street Great.

4339/05: Permission granted for modifications to previously permitted hotel and office development. The main elements included the replacement of the rear bedroom block return with a 5-storey oval shaped glazed building; an increase in depth of the office block by 3.75m and provision of an additional 5th floor office space; bringing forward the building line to the W wing by 500mm; and reducing the penthouse set back by 250mm. Conditions related to the maintenance of the semi-public open space and pedestrian access to Ship Street Great.

5578/05: Split decision. Permission refused for an additional 7th storey to the hotel block for bedroom use and an additional 8th & 9th storey to the corner element at the junction of Chancery Lane and Golden Lane and associated alterations to roof profile. Permission granted for modifications to the layout at 1st to 5th floor level.

1916/06: Permission granted for modifications to the hotel and office. The main elements included: - the removal of the 5-storey oval shaped glazed building located within the internal 1st floor terrace; an additional set back 7th storey to the hotel; an additional 8th storey to the corner element at the junction of Chancery Lane and Golden Lane & associated alterations to roof profile; minor modification elevational and landscape changes. These modifications resulted in the provision of a mixed used development rising from 6 to 8 stories over two levels of basement.

5344/06: Permission granted for modifications to 7th floor plan at the corner of Chancery Lane and Golden Lane to provide an additional 78.5sqm of floor space.

5.2. **North of appeal site: Ship Street Great & Chancery Lane**

4280/16: Permission granted for a 4 to 6-storey over basement mixed use residential and commercial development incorporating a new pedestrian street, and comprising a 2-storey convention centre, gallery and café with 86 apartments over. **This case is before the Board under PL29S.248316.**

2279/15 & PL29S.244868: Temporary retention permission for a surface storage area (c.0.1495ha) for builders plant and machinery, accessed off Chancery Lane and for an existing commercial, off-street surface car park (c.0.1447ha) accessed off Ship Street Great. The Board “considered that the proposed use would be contrary to the policies and objectives set out in the Dublin City Development Plan 2011-2017, which promote sustainable travel and the control of car parking in the city.”

3990/07: Permission granted for a mixed-use development comprising three 6 to 8 storey blocks over double basement containing apartments, office space, hotel extension (with gym, swimming pool, crèche, & café/restaurants). Vehicular access off Ship Street Great. New pedestrian street running W-E between Chancery Lane & Ship Street Great through Le Pole Gardens. New N-S pedestrian links through the site towards Le Pole Gardens to the S and the Chief State Solicitors Office to the N. Conditions included omission of the double basement and a minimum 1.0m setback of the foundations from the graveyard wall marking the W & N edge of the site of St Michael Le Pole church; the omission of Level 5; and the ceding of the ownership of the urban space of St Michael Le Pole church to the Council, and agreement with the PA of details of the commemorative feature for the former round tower to ensure the civic amenity of the urban space of the church.

3087/08: Permission granted for modifications to previously permitted mixed use development (3990/07) related to the provision of a double basement with a revised layout/reduced extent (4,597sqm) to provide 64 car parking spaces, 113 cycle spaces, and plant rooms & storage areas.

5133/08: Permission granted for modifications to the previously permitted mixed use development related to: - change of use from office/residential to offices (Block A) and from office/residential to residential (Block B); alterations to the internal layout; extension of gym/spa to the W part of Blocks A & B at lower ground floor level; revised layout of the basement levels (basement area reduced from 4,597sq.m to 4,277sq.m. Conditions included the omission of the 6th floor of Block A.

5.3. **East of appeal site: Ship Street Great**

2701/16: Permission granted for the demolition of warehouses at no.21 and construction of a 7-storey block (5,699sq.m) over basement, comprising a hotel with public bar, restaurant and ancillary facilities (including kitchen, gym, reception area/offices and ESB substation), associated plant and site works. Design & height amended by way of FI to take account of the historic setting. The applicant was also requested to: - liaise with adjoining landowners to allow for the preparation of a coherent and consolidated approach to the redevelopment of the area; reinstate the plaque located at the former entrance to the St. Michael le Pole church; submit a revised Architectural Design Statement, Sunlight & Daylight Impact Analysis, and a Visual Impact Assessment. **This case is before the Board under PL29S.247947.**

3583/00: Permission granted for a 5-storey office block over basement car park at “Le Pole House” to the N of no.21 with vehicular access off Ship Street Great.

5.4. **West of appeal site: Chancery Lane & Golden Lane**

4826/03: Permission granted for a 4 to 7 storey building over basement car park at “Castle Way” to the W of the appeal site to provide 77 apartments and 4 retail units.

6.0 **Policy Context**

6.1. **Architectural Heritage Guidelines for PAs, 2004**

These Guidelines provide a practical guide in relation to Part IV of the 2000 Planning Act which deals with the protection of architectural heritage in respect of the Record of Protected Structures, Architectural Conservation Areas, Declarations and Places of Worship as well as development control advice and detailed guidance notes on conservation principles.

6.2. **Development Plan**

Zoning objective:

The site is located within an area zoned with the objective Z5 in the Dublin City Development Plan, 2016-2021 which seeks “To consolidate and facilitate the

development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.” Hotels are permissible within this zone.

Built Heritage

Historic Core:	Located within the Medieval City & to S of the Walled City
Archaeology:	Located within a Zone of Archaeological Interest
Recorded Monuments:	Dublin City (DU018-02020); Church of St. Michael Le Pole Church & Graveyard (DU-018-02082) & Round Tower site (DU-018:02083)
Protected Structures:	Dublin Castle complex to the N and E of site

Relevant policies

Policy CHC1: seeks the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

Policy CHC2/4/5: seeks to ensure the protection of the special interest, character and setting of Protected Structures and all Conservation Areas.

Policy CHC9: seeks to protect and preserve National Monuments:

1. To protect archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed, by way of the re-use of buildings, light buildings, foundation design or the omission of basements in the Zones of Archaeological Interest.
2. Where preservation in situ is not feasible, sites of archaeological interest shall be subject to ‘preservation by record’ according to best practice.
3. Proposals will be subject to consultation with the City Archaeologist and archaeological assessment prior to a planning application being lodged.
4. The NMS will be consulted in assessing proposals for development which relate to Monuments and Zones of Archaeological Interest.

5. Preserve known burial grounds and disused historic graveyards, where appropriate, to ensure that human remain are re-interred, except where otherwise agreed with the National Museum of Ireland.
6. Recognise the national significance & special character of the City Wall.
7. Have regard to the Shipwreck inventory maintained by the DAHG.
8. Have regard to DAHG policy documents & guidelines for archaeology.

Objective CHCO10 (7 & 9): seeks to:

- To promote awareness of, and access to, the city's archaeological inheritance and foster high-quality public archaeology.
- To promote awareness of the international significance of Viking Dublin.

Policy CHC12: seeks to promote tourism in the medieval city and suburbs.

Policy CEE12 (i): seeks to promote & facilitate tourism as one of the key economic pillars of the city's economy & a major generator of employment & to support the provision of necessary significant increase in facilities (hotels).

Policy CEE13 (iii): seeks to promote and support the development of additional tourism accommodation at appropriate locations.

Policy CEE22: seeks to promote and facilitate the crucial economic and employment potential of regeneration areas in the city such as Dublin 1, 7 & 8

Site development standards:

Height: 28m maximum (commercial)

Site coverage: 90%

Plot ratio: 2.5 - 3.0

(A higher plot ratio may be permitted in certain circumstances such as to facilitate comprehensive re-development in areas in need of urban renewal)

Car parking: 1 space per 4 rooms

Cycle parking: 1 space per 10 bedrooms

Archaeological Sites & Zones of Archaeological Interest:

- The applicant shall employ a qualified archaeologist to carry out and report on any necessary site investigation works
- New basement development at medieval sites shall be omitted where it is deemed that undue damage to archaeological deposits will occur
- The impact and merits/demerits of foundation type (piled, raft, etc.) shall be archaeologically assessed
- When planning permission for development involving sub-surface excavation is granted, the applicant's attention will be drawn to the legal obligation to report the discovery of archaeological finds to the National Museum of Ireland
- Where a site is deemed to require archaeological investigation, all in situ remains shall be recorded according to best practice irrespective of date and evaluated for preservation in situ
- Ensure the assessment of industrial features during archaeological investigations
- Where preservation in situ is not feasible/appropriate, sites of archaeological interest shall be subject to archaeological excavation and recording according to best practice, in advance of redevelopment
- The results of all archaeological excavations shall be published in full in a reasonable time following archaeological site completion
- The excavation archive shall be prepared and submitted in accordance with the DEHLG Guidelines to the Dublin City Archaeological Archive following site completion.

Ship Street Werburgh Street Framework Plan 2005

This is a non-statutory plan which sets out a vision for the future development of the area which takes account of the historical and heritage setting.

6.3. Natural Heritage Designations

The following NPWS designated areas are located within a 5km radius of the site:

- South Dublin Bay SAC (Site code: 000210)
- South Dublin Bay & River Tolka Estuary SPA (Site code: 004024)
- South Dublin Bay pNHA (Site code: 000210)

Natural Heritage Areas: None in immediate vicinity.

7.0 The Appeal

7.1. Grounds of Appeal: An Taisce

General:

- The site is located within a Zone of Archaeological Interest.
- Non-compliance with the Ship Street/Werburgh Framework Plan in relation to:
 - a. Securing an appropriate level of amenity and usability for the public heritage space at St Michael Le Pole church & graveyard.
 - b. Preserving the integrity of the archaeological site.
 - c. Gross overdevelopment due to its size, proximity & location.
 - d. Adverse impacts on residential amenity and property devaluation.

Context:

- The site, and remaining early Christian graveyard & St Michael Le Pole church are adjacent to Dublin Castle and sections of the remaining City Wall.
- The Framework Plan provides for the treatment of this site and adjacent development; this includes a 25m high cylinder to represent the C7th Round Tower; and the maintenance of the site as a useable & permeable space.
- The local street plan is very old and unchanged over c.300 years.
- The contemporary high density redevelopment of the C20th warehouses ceased during the recession and a number of gaps/vacant sites remain.
- The 5-storey Le Pole House block is well scaled & modulated to the location.
- The Framework Plan indicates that 5-6 storeys are generally acceptable with larger heights at the junction of Golden Lane & Chancery Lane where there is a good separation with the nearby protected structures to the E and W.
- The priority should be to complete a coherent, appropriate street frontage of 4-5 storey buildings on the remaining sites, with some smaller-scaled development internally within the block.

Proposed development and PA decision:

- The original proposal comprised an internal 8-storey building to the rear of the hotel & a 7-storey extension along Chancery Lane.
- Although the height was reduced & the setbacks increased by way of FI, the scale and density remains grossly excessive.
- **Build 1:**
 - The now 6-storey internal hotel extension does not comply with the Framework Plan which did not envisage development at this location;
 - The hotel courtyard would be interlinked with Le Pole Gardens by steps to form an elongated N/S space, with no construction between the two;
 - The Plan also sought maximum sunlight penetration which cannot be achieved by the building heights;

- Development should be modest in scale and the heights should reflect the traditional 3-storey height model for the area.
- **Build 2:**
 - The unchanged 7-storey high block along Chancery Lane remains the same height as the hotel;
 - It consumes the existing setbacks, which does not comply with the Framework Plan which requires roof levels to fall in line with the street;
 - The existing hotel floor levels are maintained which ignores the downward slope which results in a very high parapet on the narrow historic street;
 - The Plan identifies the sloping topography as a key characteristic;
 - The height scale and location would result in a loss of daylight to the Castle Way apartments to the W;
 - A 4-5 storey parapet should be maintained on Chancery Lane (with potential for a setback additional level) and floor levels should in accordance with the downward slope.

CGI Photomontages:

- The images include a proposed building in Phase 2 which does not have permission and also appears to be out of scale with the street and context.

Conclusion:

- The City Archaeologist noted that the site is one of the most important sites in Dublin which dates from the C8th, it has already seen development impacts that have resulted in the removal of a considerable portion of the cemetery.
- The City Conservation Officer stated that the scheme has not had regard to the historic character of the site and that the presentation of the church site does not provide an appropriate context for the Le Pole monument.
- The proposal requires substantial revision or permission should be refused.

7.2. Applicant Response

General:

- Accords with the proper planning & sustainable development of the area.
- Provides an attractive, high quality, contemporary development which enhances the rejuvenation of the area.
- Proposed modifications represent a significant planning gain for the area.

Compliance with Framework Plan:

- The Plan was not implemented or adopted by the Council, it predates recent developments & it does not take account of pre-2005 permissions for the site.
- It proposed a series of linkages with a new urban square at Le Pole church; the accesses were narrower and the scale of the square was smaller than currently proposed and the density was greater.
- The technology to assess 3D impacts has improved since 2005 and the current images accurately describe the site and its relationship to the Castle.
- It showed indicative heights of 5,6 & 7 stories which is broadly compatible with the current proposal, but with less density in the depth of the blocks.
- The impact on views would be imperceptible to minimal; the buildings cannot be seen from St Patricks or Werburg Street, only slightly from Dublin Castle, and Ship Street & Chancery Lane are too narrow for an impact to register.
- The Conservation report concluded that the proposal would have a limited visual impact on Dublin Castle, with only a moderate impact on the scale and character of the C19th barracks along Ship Street Great.
- Le Pole church is inaccessible, the new square will provide significant public amenity, a lively animated streetscape, and a new route through the block.
- Proposed height & scale are appropriate for the city centre location; the new square will receive adequate daylight & sunlight for its urban location; and it is larger (c.1, 060sq.m) than anticipated in the Plan and other urban squares.
- The square will also provide a high quality heritage and amenity space.

Integrity of archaeological site:

- The site of the church and graveyard (RM), preservation zone and archaeological remains will be preserved in-situ by way of the heritage space.
- The shape of the church will be presented as part of the landscaping and the remains will be visible through a glass roof.
- The works have been informed by a detailed study of the previous excavations since 1981 onwards.

Residential amenity:

- The proposed extensions are compatible with the existing scale of the hotel on Golden Lane and Chancery Lane, in relation to height, design & materials.
- The gym and retail along Chancery Lane will add vibrancy to the street.
- The proposed works will improve amenity by providing a greater mix of diversity at street level, improve permeability and bring activity to the area.

Building height:

- Height is compatible with the existing hotel and Dev Plan height standards.
- There is a reduced scale towards the middle of Build 1, from 8 to 4 stories over podium with a further 8m set back at 5th floor level (by way of FI).
- The setback storey cannot be seen from the heritage square and with no impact on the RM.
- The height & scale of Build 2 is compatible with Chancery Lane; the ground & mezzanine setbacks will reduce impacts on the square; the lower floors are outside the graveyard exclusion zone; whilst the uppermost storey is set back to reduce overshadowing of the square and the bulk along Chancery Lane.
- Build 1 will be built entirely over the existing hotel and foundations have been omitted from the graveyard exclusion zone.
- Setback of Build 1 & 2 will result in an enlarged square with adequate light.
- The revised design (by way of FI) has a plot ratio of 2.88:1 and a site coverage of 64% which complies with Dev. Plan standards (2.5-3.0:1 & 90%).

7.3. An Taisce response

Build 1: Le Pole Square

- The reduced height of Build 1 is 6 stories and not 4 stories.
- The Framework Plan does not provide for development at this location.
- The height of the existing hotel is greater than envisaged in the Plan.
- The 6-storey height is excessive at the S end of the heritage square.
- Building heights around other urban squares are typically 3-4 stories.

Build 2: Chancery lane

- Excessive height along the narrow street.
- Overlooking & loss of light at apartments & overshadowing of Le Pole Square.
- Lack of stepping down results in an incoherent streetscape.
- Most buildings have a 5-storey parapet to the street with a setback 6th storey.
- Build 2 should not exceed this format.

Le Pole Square and new street:

- The treatment of the square has moved away from the original vision as a contemplative space with good light & amenity, to a more generic courtyard.
- The Framework Plan's proposed 25m high cylinder to represent the monastic round tower is not included in the current proposal.
- Ship Street to Chancery Lane link would be gated with limited public access.

Conclusion:

- There are 3 adjacent and interfacing development sites now under appeal in this location on the land between Ship Street and Chancery Lane.
- Request the Board to consider all 3 cases concurrently.

7.4. **Planning Authority Response**

- The significantly reduced height is within the limits for low rise commercial development within the inner city, and it is compatible with the established height in the vicinity, including the hotel & apartments along Chancery Lane.
- The Framework Plan is a non-statutory plan which cannot be used to inform current development proposals.
- The Phase 2 development to the N is being considered under 4280/16.
- To ensure consistency, integration of both potential developments, and to ensure this development would not compromise the potential future development of the adjacent site, the applicant's CGI images were accepted.
- Acknowledge the archaeological and historic importance of the site.

7.5. **Prescribed Bodies**

None received.

7.6. **Observations**

None received.

8.0 Assessment

The issues arising in this case are:

- Principle of development
- Height, design & heritage
- Archaeology & Le Pole Square
- Residential amenity
- Movement & access
- Other issues

8.1. Principle of development

The proposed development would be located within an area zoned Z5 in the Dublin City Development Plan, 2016-2021 which seeks “To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.” The primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development. Hotel uses are permissible within the Z5 zone and the proposed extensions to the existing hotel would therefore be compatible with the zoning objectives for this area.

8.2. Height, design and heritage

Existing building:

The Radisson Blu hotel comprises an “L” shaped, 7-8 storey over 2-storey basement building which fronts onto Golden Lane to the S, and extends along Chancery Lane to the N. The front section is c.54m wide and c.62m deep at ground floor level and c.24m deep at the upper levels. The side/rear section is 20m wide and c.62m deep up to 5th floor level, and the recessed 6th floor level is c.12m wide and c.53m deep. The 2-storey basement car park extends under the ground floor footprint of the existing building. The existing c.15, 600sq.m. building has a contemporary design and it contains 152 bedrooms, function rooms and ancillary hotel facilities.

Original proposal:

The applicant originally sought planning permission to construct an 8-storey, c.5, 819sq.m extension to the rear of the existing hotel building in two sections referred to as Build 1 and Build 2, along with a small 2-storey basement in the NW section of the site. The proposed development would comprise an additional 103 bedrooms, function rooms and basement fitness centre. The two extensions would overlook the proposed new urban open space at Le Pole Square to the N and E, which would be accessed via a new pedestrian link off Ship Street Great to the E and Chancery Lane to the W. The new square would occupy the site of the C.12th St. Michael le Pole Church and Graveyard which is a Recorded Monument. No changes were proposed for the existing 2-storey basement car park or the vehicular entrance and access arrangements off Ship Street Great and Chancery Lane.

Build 1 to the rear of the central part of the existing hotel would be located over an existing 2-storey podium which abuts the site of St Michael Le Pole church and graveyard to the N. The proposed extension would be between c.18m & c.28m wide and c.19m deep at first to fourth floor levels, the fifth and sixth floor levels would be c.18m wide and 19m deep, and the seventh floor level (sky bar) would be c.16m wide and c.17m deep. There would be a c.24m separation with the rear elevation of the proposed extension and the rear elevation of the existing hotel at all floor levels above ground level. The parapet height of the existing hotel at Golden Lane is c.27.6m and the proposed extension would be c.28m although the ground floor level would open onto a raised podium to take account of the sloping nature of the site. The design of the N facing elevation to Le Pole Square would complement rather than match the existing building.

Build 2 along Chancery Lane would be c.17m wide and c.20m deep at ground level and 19m wide and c.15m deep at first to fifth floor levels. The recessed sixth floor level would be set back c.2.5m from Chancery Lane and the width would be reduced to c.14.5m. The proposed 2-storey basement under this section would be c.14m wide and c.22m deep and it would contain the fitness centre and pool. The parapet

height of the existing hotel along Chancery Lane is c.26m stepping down to c.22m and c.20m at the N-most end. The proposed extension would retain this c.26m height and the same finished floor levels, however because of the downward slope in the street the actual height of the ground floor levels would range from c.4m in the existing building to c.6m in the proposed extension. The design of the façade along Chancery Lane would complement rather than match the existing building.

The Planning Authority had serious concerns in relation to the layout, height and design of the proposed extensions, and their relationship to Le Pole Square with regard to the preservation of archaeological remains and overshadowing of the open space. The proposed development was amended in response to an FI request, the details of which are summarized in sections 3.1 and 3.2 above.

Amended proposal:

Build 1 would be 6 storeys high (21.15m) and the N facing elevation would be set back by c.1.5m from the Preservation Zone around Recorded Monument at St. Michael Le Pole Church & Graveyard. The fifth floor would be set back c.7m from the N facing elevation which would overlook Le Pole Square, a new terrace would be created which would be 22m wide and c.6m deep, and the number of bedrooms would be reduced from 7 to 5. The sixth and seventh floors would be omitted. The proposed mini piles would also be omitted from the NE corner of the site which lies within the Recorded Monument Preservation Zone.

Build 2 would be setback by c.4m at ground floor and mezzanine level from the Recorded Monument Preservation Zone and Le Pole Square.

The setback of Build 1 and Build 2 would result in a slightly larger open space at Le Pole Square which would be c.32m wide and c.32m deep (c.1024sq.m.).

Considerations:

The three proposed developments that would occupy the appeal site and the neighbouring sites to the N and E, would be located within a larger rectangular shaped urban block which is defined by Ship Street Little, Ship Street Great, Golden Lane and Chancery Lane. This block, which slopes down from S to N, is located to the S of the original City Wall and River Poodle and to the W of the Black Pool, and it may contain the site of the original monastic settlement of Dubh Linn. The block dates back to the C.8th or earlier and it was previously occupied by several different styles of development over some 13 centuries. The historical layers include Early Christian, Viking, Medieval, Georgian, Victorian, twentieth century warehouse buildings, and contemporary office and hotel blocks. The appeal site contains the remains of a C.12th St. Michael le Pole church, round tower and graveyard which are Recorded Monuments, and recent excavations uncovered the remains of an early Christian graveyard and Viking burial ground.

The urban block is not located within an Architectural Conservation Area and it does not contain any protected structures, although it did form part of the non-statutory Werburg and Ship Street Framework Plan (2005) which set out a vision for the future development of the historical area. The block is located to the S and W of the Dublin Castle Complex which contains several protected structures, however the only one in close proximity to the block is Ship Street Gate to the NE. The 4-5 storey brick terrace along Ship Street Great to the E, which comprises the former Castle Barracks, forms part of the Dublin Castle Complex and is Georgian in origin, however it is not a designated protected structure. The residential and commercial buildings which surround the block are contemporary in design and are not designated protected structures. There are several other protected structures in the wider area including Christchurch to the NW, the Iveagh Buildings to the W, St. Patricks Cathedral to the SW, and the Art Deco building along Stephen Street Upper to the E.

The block currently comprises office blocks to the N, warehouse buildings to the W and E, and hotel and office blocks to the S, with a surface car park in the middle along with a builder's yard on the site of St. Michael Le Pole church and graveyard.

Having regard to the size and scale of the urban block and its development lineage, and the absence of any protected structures either within the block or immediately adjacent to it, I am satisfied that the block could accommodate a contemporary C.21st form of development, subject to compliance with Development Plan standards. However, the design and layout of any new buildings within the block should also take account of: - the preservation of the archaeological remains; the character and setting of the nearby protected structures; the relationship with neighbouring buildings and spaces within and around the site; and the relationship to the streetscape along Chancery Lane.

Preservation of the archaeological remains: Refer to section 8.3 below.

Development plan standards:

The proposed development would have a contemporary design which would complement the design and external appearance of the existing Radison Blu Hotel with is acceptable in terms of visual amenity. The proposed extensions, as amended by way of Further Information in relation to height and setbacks, would comply with Development Plan standards for height, site coverage and plot ratio.

Protected structures:

The proposed development, as amended by way of Further Information, would not have an adverse impact on the integrity, character or setting of any Protected Structures in the vicinity, including Ship Street Gate to the NW of the site from which it would be separated by other buildings. The proposed extensions (Build 1 and 2)

would also not be visible from Christchurch to the NW, the Iveagh Buildings to the W, St. Patricks Cathedral to the SW, and from along Stephen Street Upper to the E.

The existing upper level of the SW section of the Radisson Blu hotel (located on the corner of Golden Lane and Chancery Lane) is visible from the elevated café terrace at Dublin Castle and from along the Ship Street Steps to the NE. However, it is not visible not from within any other part of the Castle grounds. The proposed extensions would not be as high as this existing section of the hotel. The height of Build 1 was reduced by way of Further Information and it would not be visible from within the Castle grounds. It is possible that Build 2 would be slightly visible when viewed from the elevated terrace, but not from any other position within the Castle grounds. Therefore, the impact on views from Dublin Castle would not be significant.

Relationship with neighbouring buildings and spaces:

The overall urban block which contains the appeal site, the site itself and the neighbouring streets to the E and W at Ship Street Great Street and Chancery Lane all slope down from S to N.

Build 1 would be located over the existing 2- storey podium to the rear section of the central section of the Radisson Blu hotel, and Build 2 would be located to the rear of the W section along Chancery Lane. Build 1 and Build 2 would have a similar design, layout and external materials which would complement the design and external appearance of the existing hotel, which is acceptable in terms of visual amenity.

The height of the Build 1, which was reduced by way of Further Information, would not be visible from any of the aforementioned sensitive heritage locations. It would also be subordinate in height to the existing hotel to the S and the neighbouring buildings to the E and SE at Ship Street Great and Golden Lane.

Build 2 would continue the height and finished floor levels of the existing hotel located along Chancery Lane which slopes down from S to N, and it would be of a similar height to the neighbouring apartments on the W side of the lane. Although the height of the ground floor section would increase in line with the downward slope, the presentation to Chancery Lane is considered acceptable in terms of visual amenity as it would provide a lively and vibrant frontage to the street.

The proposed extensions, along with the proposed hotel at Ship Street Great to the E and the proposed convention centre and apartments to the N, which are under consideration by the Board (PL29S.247947 and PL29S. 248136), would frame the proposed urban space at Le Pole Square. The reduction in the height of Build 1 to the S and the set back of Build 1 and Build 2 from the N and W boundary with Le Pole Square, by way of the Further Information response, would soften the relationship between the proposed extensions and the proposed urban space, which is acceptable in terms of visual amenity. The FI amendments would also allow for greater daylight penetration to the square.

Relationship to the streetscape:

As previously stated, Build 2 would be located to the rear of the existing hotel along Chancery Lane which slopes down from S to N and it would continue the height and finished floor levels of the existing building. However, it is noted that the height of the existing hotel is staggered in the N section to take account of the downward gradient, and this relationship is absent from the proposed extension. The pedestrian access to Le Pole Square off Chancery Lane would also be located in between Build 2 and the proposed mixed use development to the N (PL29S. 248136).

Having regard to the sloping nature of the street and the relationship between Build 2, the new pedestrian route and the development proposed for the neighbouring site to the N, the height of the proposed extension should be reduced by 1 storey in the

interest of visual amenity. This could be achieved by the omission of an intermediary floor level in order to retain the recessed upper floor which serves to reduce the bulky appearance of the building along the streetscape.

The proposed contemporary design and external finishes for Build 2 would complement rather than replicate those of the existing building which is acceptable in terms of visual amenity. Build 1 would not be visible from the surrounding streets.

8.3. Archaeology and Le Pole Square

As previously stated in section 8.2 above, the proposed development would occupy the SW section of a larger rectangular shaped urban block which is defined by Ship Street Little, Ship Street Great, Golden Lane and Chancery Lane.

Historical context:

This block is located within the boundary of the Recorded Monument for Dublin City (DU018-02020) and within a Zone of Archaeological Interest as designated in the City Development Plan. This block, which slopes down from S to N, is located to the S of the original City Wall and River Poodle and to the W of the Black Pool, and it may contain the site of the original monastic settlement of Dubh Linn. The block dates back to the C8th or earlier and the historical layers include Early Christian, Viking and Medieval remains. The appeal site also contains two Recorded Monuments related to the remains of a C12th St. Michael le Pole Church and Graveyard (DU-018-02082) and Round Tower (DU-018:02083). Recent excavations uncovered the remains of an earlier Christian graveyard and a Viking burial ground.

Policy CHC9 of the City Development Plan seeks to protect and preserve National Monuments (refer to section 6.2 above). It seeks to protect archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed and to preserve known burial grounds and disused historic graveyards. It also requires that applicants consult with the City Archaeologist and National Monument Service, and that the national significance and special character of the City Wall is recognised.

The urban block and appeal site also formed part of the area covered by the non-statutory Werburg and Ship Street Framework Plan (2005) which set out a vision for the future development of the historical area. This Plan included the creation of an open space at the site of St. Michael Le Pole Church, Graveyard and Round Tower, with pedestrian linkages to the surrounding streets.

Previous proposal for an urban square

Permission was previously granted under Reg. Ref.3990/07 for a 6-8 storey over basement mixed-use development on the adjoining site to the N which now forms part of the proposed convention centre and apartment development (PL29S.248316). This proposal included a new pedestrian street running W-E between Chancery Lane and Ship Street Great through Le Pole Gardens, and a new N-S pedestrian links through the site towards Le Pole Gardens to the S and the Chief State Solicitors Office to the N.

The planning conditions included the omission of the double basement and a minimum 1.0m setback of the foundations from the graveyard wall marking the W and N edge of the site of St Michael Le Pole church, the ceding of the ownership of the urban space to the Council, and agreement with the planning authority of details of the commemorative feature for the former round tower to ensure the civic amenity of the urban space of the church. A modified basement was later permitted under Reg. Ref.3087/08. This permission was not implemented. The site of Le Pole Gardens site now lies within the boundary of the current appeal site and partly within the boundary of the site of the proposed mixed used development to the N (PL29S.248136).

Le Pole Square

The current application includes a proposal to create a new urban square on the site St Michael le Pole Church, Graveyard and Round Tower, and to provide an E-W pedestrian linkage through the site which would connect Ship Street Great to Chancery Lane. These entrances would be closed at night to restrict public access in the interest of safety and security at the neighbouring properties.

The proposed stepped access off Ship Street Gate would be located in between the proposed hotel (PL29S.247947) and the proposed convention centre and apartment development (PL29S.248136). The proposed access off Chancery Lane would be located in between the proposed hotel extensions (Build 2) and the proposed convention centre and apartment development (PL29S.248136). The urban square would be surrounded on all four sides by the three proposed developments, and the

existing Radisson Blue Hotel and proposed extensions, and the proposed mixed use development (PL29S.248136) would have direct access to the space.

The proposed c.1000sq.m. urban square would be located over the site of the C.12th church, graveyard and archaeological preservation zone, within which it is proposed preserve any undisturbed remains in-situ. The square would be hard landscaped in a manner that would delineate the outline of St Michael Le Pole Church and a glazed floor in the NW section would afford a view of the remains.

The City Archaeologist had serious concerns in relation to the layout and height of the proposed extensions, and their relationship to Le Pole Square with regard to the preservation of archaeological remains and overshadowing of the open space. The proposed development was amended in response to a Further Information request, the details of which are summaries in sections 3.1 and 3.2 above.

Amended proposal

The height of Build 1 was reduced to 6 storeys (21.15m); the N elevation of Build 1 and the W elevation of Build 2 was set back by c.1.5m and c.4m respectively from the Preservation Zone; the top floor levels of Build 1 and Build 2 were set back from the elevations with Le Pole Square; and the mini piles for Build 1 in the E section of the site were omitted from within the Preservation Zone. The red line boundary was extended to include Le Pole Square and the E-W route through the site between Chancery Lane and Ship Street Great, and the amendments resulted in a larger urban square within the development site.

Consideration

The block within which the appeal site lies is probably one of the most important archaeological locations in Dublin. It was probably occupied by the original C.7th monastery of Dubh-linn and the site was later used as a Viking burial ground and occupied by a C.12th St. Michael le Pole Church and Graveyard.

The proposed development, as amended by way of Further Information, was accompanied by an Archaeological Report which responded to the concerns raised

by the City Archaeologist. These concerns related to the preservation of archaeological remains, the removal of mini-piles from the NE section and the presentation of the square relative to the surrounding buildings (summarised in section .3.1 and 3.2 above). The report included an impact assessment, a series of specific mitigation strategies for the proposed development and a proposal for the future research on the excavated burials. The City Archaeologist was satisfied with the applicant's response. Having regard to the sensitive nature of the site, it is recommended that the conditions suggested by the City Archaeologist be attached in their entirety to any grant of planning permission.

The design and scale of the proposed urban square and pedestrian linkages is different to the plan previously envisaged in the Werburg Street and Ship Street Framework Plan (2005), and the plan for Le Pole Gardens as permitted under Reg. Ref.3990/07 for the redevelopment of the adjacent site to the N. Notwithstanding these differences, and having regard to all of the foregoing, I am satisfied that the proposed new urban square, as amended by way of Further Information, would provide an attractive, useable, accessible and permeable open space. The amendments proposed by way of Further Information in relation to the height reductions and setbacks would also ensure that the proposed square would receive an acceptable level of sunlight and daylight for an inner city urban area.

I am also satisfied that the proposed development, as amended, would ensure the continued protection of the undisturbed archaeological remains within the Preservation Zone, and that it would also provide for the sensitive interpretation of the St Michael Le Pole church and graveyard. However, it is noted that the planning authority did not request details of a commemorative feature for the former Round Tower, although this could be addressed by way of a planning condition, to ensure the civic amenity of the urban space of the church. It is also noted that the planning authority did not request the ceding of the ownership of the urban space to the Council as per the permission granted under Reg. Ref.3990/07, however this is a matter for the City Council to decide on.

8.4. Residential amenity

The proposed development would be located within a long established mixed use, high density, city centre area that is characterised by narrow streets and a mix of buildings of various ages, styles, designs and heights that currently range from 4 to 7-storeys in extent.

The W side of Chancery Lane comprises recently constructed 4-7 storey apartment buildings. The E side is occupied by the existing 7-9 storey hotel over a distance of c.62m and the proposed 8-storey extension (Build 2) would occupy the middle section of the street over a distance of c.20m. The proposed mixed use development (convention centre and apartments) which is under consideration by the Board under PL29S.248136, would (if permitted) occupy the remaining N section of Chancery Lane over a distance of c.28m to a height of c.22m.

The proposed extension would be located to the E of the existing apartments along Chancery Lane with a c.14m separation distance, and there would be some overshadowing off the apartment building in the early part of the day. Having regard to the city centre location and the established pattern of development in the area, and given that the proposed hotel bedrooms would not be permanently occupied, any impacts associated with overshadowing and overlooking would not be substantial. There would be no significant loss of amenity to the neighbouring residential properties to the W.

Ship Street Great defines the eastern boundary of the overall urban block and it is located to the E of the proposed hotel extensions. This street is characterised by a mix of existing office buildings and warehouses, and the proposed hotel development (PL29S.247947) would be located to the immediate E of the proposed hotel extensions. None of the existing or proposed commercial buildings have a residential content and no impacts on residential amenity are therefore predicted.

The three proposed developments would be separated from each other by the new internal urban space at Le Pole Square (c.1000sq.m.) which forms part of the current

proposal and is also partly included in the proposed mixed use development to the N (PL29S.248136). This arrangement around the square and the proximity of some elements of the proposed extensions to neighbouring properties (existing and proposed) could give rise to some overshadowing and overlooking.

The proposed mixed use development (PL29S.248136) would comprise a convention centre with 86 apartments overhead, some of which would overlook Le Pole Square at the above ground floor levels. The proposed hotel extensions would be separated from the proposed apartments by a distance in excess of 30m and the proposed development would not overlook or overshadow the proposed residential units to any significant extent. Furthermore, the proposed hotel bedrooms would not be permanently occupied and would therefore not give rise to a significant loss of amenity to the neighbouring residential units to the N.

Having regard to all of the foregoing, the proposed development would not adversely affect the residential amenities of the existing apartments to the W along Chancery Lane, or the proposed apartments to the N which form part of the proposed mixed use development on the adjacent site (PL29S.248136).

8.5. Movement and access

The proposed development would utilise the existing parking spaces in the existing two-storey hotel basement and vehicular access would be via the existing entrance off Ship Street Great and the existing exit off Chancery Lane, which is acceptable in terms of traffic safety.

The existing hotel contains 122 bedrooms and 69 car parking spaces. The proposed extensions would contain 103 bedrooms which would result in a total of 255 bedrooms. The Development Plan requires 1 car parking space per 4 bedrooms and a total of 64 and car parking spaces are therefore required for the 255 bedrooms. No additional spaces are proposed and none are required.

The existing hotel contains a number of bike racks in the basement. The Development Plan requires 1 bicycle parking space per 10 bedrooms and 10 additional spaces are required to serve the proposed extensions. The proposed development would provide 10 additional spaces in a new cycle rack adjacent to the existing racks in the basement. This is an acceptable arrangement subject to the spaces being secure and well lit.

The proposed development also occupies a city centre location which is well served by public transport (bus and Luas), taxis and Dublin Bikes, and there are several public car parks in close proximity to the site.

The proposed development would benefit from the proposed new E-W pedestrian street to the N which would link Ship Street Great to Chancery Lane via Le Pole Square. This link also forms part of the proposed mixed use development on the adjacent site to the N (PL29S. 248316). It would improve pedestrian linkages and permeability through this urban block.

Having regard to all of the foregoing, the proposed development would not generate excessive traffic movements, it would not give rise to a traffic hazard or endanger the safety of other road users, an acceptable level of car and bicycle parking spaces would be provided, and it would benefit from proposed improved pedestrian facilities.

8.6. **Other issues**

Appropriate assessment: The proposed development would be located within an established built up which does not have a direct connection to any European sites.

Demolitions: The proposed removal of existing structures is considered acceptable subject to an asbestos survey being undertaken, prior to the demolition works.

Environmental services: The arrangements are considered acceptable subject to compliance with the requirements of Irish Water and the planning authority.

Financial contributions & bonds: Standard conditions apply.

Flooding: The site is not located within a flood risk zone and the proposed development would give rise to a flood risk within the site or surrounding area.

Other elements: The other elements of the proposal are considered acceptable.

9.0 Recommendation

Arising from my assessment of this appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below and subject to the following conditions.

10.0 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.

11.0 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 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 for the written agreement of the planning authority before development commences.

Reason: In the interest of visual amenity.

3. Details, including samples of the materials, colours and textures of all the external finishes to 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 the planning authority for written agreement.

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, shall be displayed or erected (on the building/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 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 occupation of the 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 for day time hours which shall be agreed in writing with the planning authority prior to the occupation of the development.

Reasons: 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 St 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 applicant 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, e.g. 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 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 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 where appropriate.
- 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 submitted for agreement

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 this office 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, Pearse Street, Dublin or with another appropriate repository to be otherwise agreed with City Archaeologist within 2 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. The developer shall comply with the following roads and traffic requirements:

- (i) Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. 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.
- (ii) Cycle parking shall be secure and well lit.
- (iii) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (iv) The developer shall be obliged to comply with the requirements set out in the Dublin City Council Code of Practice for such works.

Reason: In the interest of traffic safety and orderly development

9. Noise levels from the development should not be so loud, so continuous, so repeated of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place.

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

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

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

11. The management of waste during the construction and operational phases of the development, shall comply with the requirements of the planning authority for such works and services as appropriate.

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

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. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

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

14. The site works and building works required to implement the development shall only be carried out between 7.00 hours and 18.00 hours, Monday to Friday and between 08.00hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of adjacent dwellings.

15. 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.

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.

17. 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.

Planning Inspector

9th June 2017