



An
Bord
Pleanála

Inspector's Report 29S.247947

Development	Demolish warehouses & construct a 7-storey hotel over basement.
Location	21 Ship Street, Dublin 8
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2701/16
Applicant(s)	Wavepoint Ltd.
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Luxor Investments Ltd 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 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 E section of the block along Ship Street Great and it is occupied by existing warehouse buildings. The site is located opposite a terrace of 3-4 storey buildings which form part of the Dublin Castle complex and it adjoins Le Pole House office building to the S. The site is bound to the W by a surface car park and builders yard which is located over the site the St. Michael le Pole Church, round tower and graveyard. These lands are the subject of a concurrent planning appeal under PL29S.247816 for two 8 storey extensions to the rear of the Radisson Blu Hotel that fronts onto Golden Lane. 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 the subject of a concurrent planning appeal under PL29S.248136 for a 6-storey building comprising a convention centre with apartment use over.

- 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 read in conjunction with the reports attached to PL29S.248136 and PL29S.247816 for the redevelopment of the adjacent sites to the N and W.

2.0 **Proposed Development**

2.1. Planning permission is being sought to:

- Demolish existing warehouses (c.802sq.m)
- Construct a 5, 699sq.m. hotel on the c.900sq.m. site.
- Provide 136 bedrooms (reduced to 124 by FI), public bar, restaurant, & ancillary facilities.
- Internal bicycle parking spaces.
- All associated site works, landscaping and boundary treatment.

Accompanying documents:

- Planning report
- Architectural & Design Statement
- Visual Assessment
- Sunlight Analysis
- Archaeology Impact Statement
- Landscape Masterplan
- Drainage report

3.0 Further Information

3.1. Unsolicited FI was submitted in relation to an Archaeological Assessment report.

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

1. Revised height & design:

(a) The overall height and design is unacceptable for the historic location; it is overly dominant and incongruous on a constrained site with substantial street frontage; it does not take account of the streetscape levels; and a significant reduction in height was requested along with a revised design.

(b) Consider the relocation of the plant from the roof space & the substation from street level.

2. Proposal represents piecemeal development so liaise with adjoining landowners for the preparation of a coherent and consolidated approach to the redevelopment of the area which is sensitive to the historic streetscape and heritage character of the area.

3. Submit proposals for the reinstatement of the plaque currently located at the former entrance to the church & graveyard on the facade of the new building.

4. Submit a revised Architectural Design Statement, Sunlight and Daylight analysis and Visual Impact Assessment of the revised proposal.

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

1(a) Modified design & footprint

- Massing along Ship Street Great was broken down with the ground floor level addressing the change in level along the street.
- Reception & lobby relocated to the opposite boundary fronting the proposed pedestrian access to the Lo Pole Square (church & graveyard).

- Number of bedrooms reduced from 136 to 124.

1(b) Modified height

- Plant equipment relocated from roof to a new basement (c.546sq.m.).
 - Final parapet height reduced from 23.6m to 21.5m.
 - Archaeological Impact Statement submitted for the basement.
2. Met with Luxor on 4 occasions in relation to adjoining sites and exchanged digital information and respective designs amended and footprint redesigned to take account of their concerns.
 3. Plaque will be incorporated as requested.
 4. Requested documents submitted.

4.0 Planning Authority Decision

4.1. Decision

Following the receipt of FI, the planning authority decided to grant planning permission for the proposed development subject to 14 standard conditions. No.13 set out the detailed requirements of the City Archaeologist.

4.2. Planning Authority Reports

4.2.1. 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.

4.2.2. Other Technical Reports

City Archaeologist noted the historical importance of the site but had no objections subject to conditions related to further archaeological testing and excavations.

Conservation Officer noted the relationship with the nearby historic buildings.

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

Drainage Division had no objection subject to compliance with conditions.

Waste Division had no objection subject to compliance with conditions.

4.3. Prescribed Bodies

Transport Infrastructure Ireland had no concerns.

4.4. Third Party Observations

An Taisce raised the following concerns:

- The site occupies the mid-section of the W side of Ship Street Great and is located opposite the 3-4 storey historic streetscape of the former Ship Street Barracks, which is bound to the N by the stone Castle Gate and Castle Steps.
- Existing building profiles & height lines should be followed and the street scape should be reinstated in a coherent manner with respect to the Castle.
- Excessive height, incompatible with streetscape, would not protect the adjacent PS, and non-compliance with DCC plot ratio standards.
- Reduce height, the block should follow the format of the Chief State Solicitors Office (N) & le Pole House (S), with a 4-storey parapet and 5th storey setback.
- Le Pole House is well scaled & modulated using sympathetic materials which retain the street's character, the new building should not exceed these dimensions, & it should step down from Le Pole House in line with the slope.
- The site of Michael Le Pole church & graveyard should remain unexcavated in line with the Werburg Street Framework Plan and there should be at least 3 access points from adjacent streets.

Luxor Investments Ltd.

- Own the adjoining sites to the N, S & W.
- Met with the applicant but did not agree to the proposed development.
- The rear elevation directly abuts the site boundary & adjacent lands.
- The windows (on all levels) will rely on light from outside the development site, this is unacceptable and does not have permission from Luxor.
- The rear elevation overlooks the adjacent site with impacts on amenity.
- The proposed development compromises proposals for the adjacent site.
- Uncoordinated & haphazard development should be refused permission.

5.0 Planning History

5.1. South & West of appeal site: Chancery Lane & Golden Lane

2962/16: Permission granted to demolish existing warehouses and to construct two 8-storey extensions to the rear of the existing Radisson Blu Hotel. Design & height amended by way of FI to take account of the historic setting including the impact on the proposed heritage square and preservation zone at St. Michael Le Pole church and graveyard; the inclusion of Le Pole Square & pedestrian linkages to Ship Street Great and Chancery Lane within the red line boundary; and to liaise with adjoining landowners to allow for a coherent and consolidated approach to the redevelopment.

This case is currently before the Board under PL29S.247816.

4422/04: Permission granted for 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. South of appeal site: Ship Street Great

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.

5.3. North & West 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 88 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.

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 and Declarations as well as development control advice and 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.” The primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development and hotel uses are permissible within the Z5 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)

7.0 The Appeal

7.1. First Third Party Appeal: Luxor Investments Ltd.

Lack of consensus with adjoining landowners:

- Not agreeable to the proposed design changes submitted by way of FI.
- Not been designed in a co-ordinated manner with adjacent sites.
- Revised design contains windows on all floor levels of the rear & N elevations.
- Unacceptable need to rely on light from outside the development site.
- Overlooking concerns not addressed and proposal will impact on amenity.
- Applicant's should liaise with Luxor to prepare a consolidated approach.

Overlooking and associated loss of amenity at adjoining site:

- Overlooking from windows in the rear & N elevations, and in particular:
 - Projecting bay windows on floors 1-6.
 - Toilet windows associated with double room no,1 on floors 1-6.
 - Window in the stair core on the N elevation on floors 1-6.
- Non-compliance with 11m separation distance standard.
- Proximity of windows to the site boundary will have a negative impact on the development potential of the adjacent site which may give rise to sterilisation.
- No right to light and Luxor has not consented to this window arrangement.

Boundary treatment & security issues:

- The ground floor contains a raised deck defined by a dwarf wall which immediately adjoins the adjacent site and gives rise to security concerns as the deck is accessed from the bar/restaurant.
- Le Pole Square will be gated at Chancery Lane and Ship Street Great but open to the public during the day, and the deck will compromise security.

- The appeal site is surrounded on 3 sides by private lands in Luxor's ownership and the applicant does not have an entitlement to proposed connections without the consent of Luxor, and the application is premature.

7.2. **Second Third Party Appeal: An Taisce**

General:

- Non-compliance with the Ship Street/Werburg Framework Plan.
- Absence of full compliance with FI request.
- Non-compliance with Z5 zoning objective & adverse impact on PSs.

Context:

- The site occupies a prime location facing Dublin Castle, and opposite the 3-4 storey classical streetscape of the former Ship Street Barracks, which is bound to the N by the stone Castle Gate and Castle Steps.
- The local street plan is very old and unchanged over c.300 years and the contemporary high density redevelopment of the C20th warehouses ceased during the recession and a number of gaps/vacant sites remain.
- Le Pole House is well scaled and modulated using sympathetic materials which retain the street's character.
- Existing building profiles & height lines should be followed and the street scape should be reinstated in a coherent manner with respect to Dublin Castle, archaeology and the Framework Plan.

PA deliberations:

- The applicant ignored the FI request to reduce the height of the building although the elevation changes were acceptable to the PA.
- Revised elevations comprise a busy combination of building elements, proportions and materials which fail to complement historic streetscape.
- The 7-storey block represents an inappropriate 3-4 storey increase above the building heights opposite which would be visually obtrusive from the Castle.

- Adverse impact on PSs within the Dublin Castle complex which would conflict with DCC policy and the Z5 zoning objective.

Recommendations:

- Building should follow existing development templates on the street the N and S with a 4-storey parapet level and recessed 5th floor.
- The general scale & massing of Le Pole House should not be exceeded and the building should step down from le Pole House in line with the fall in levels.
- The elevation composition and massing is too complex, it lacks coherence and balance, and it should be simplified and informed by the historic character of the area with a traditional palette of materials (mainly brick & stone).

7.3. Applicant's Response

Overlooking & amenity issues:

- The “windows” on the N elevation are a polycarbonate translucent panel, there are no openings and it does not provide daylight to any habitable rooms, it was included at the request of the PA to break up this elevation prior to the Luxor application for the adjacent site;
- The current Luxor permission includes a pedestrian laneway to the immediate N of the appeal site with no impact on amenity or development potential.
 - Will accept a condition to replace the panel with solid cladding.
- The high level bathroom windows on the W elevation are an elevational feature, they do not serve habitable rooms, provide daylight or overlook.
 - Will accept a condition to omit them.
- The projecting windows on the W elevation overlook the archaeological site at le Pole Square which will not be built on in the future and Dev. Plan does not require 11m separation between windows & boundaries;
- Luxor permission (2962/16) for hotel extensions required a 28m separation distance between directly opposing windows on the Luxor site and appeal site, as the building line is dictated by the site of the church & graveyard;

- This Luxor permission also contains a stair core almost flush with the appeal site boundary which has overlooking implications, especially from the 5th floor terrace at Build 1 which is 4m from the boundary & 13m to the appeal block.
 - Will accept a condition to recess the projecting windows so that they are flush with the rear elevation.

Security issues:

- The raised deck and direct link to le Pole Square were introduced at the FI stage at the request of the PA to provide for passive surveillance, increased activity and permeability, albeit without the agreement of Luxor; the raised deck will provide outdoor seating for the restaurant and not the public bar.
 - Will accept a condition to increase the balustrade/screen to 1.8m and/or restrictions on the hours of use.

Building height:

- No policy/urban design context that requires a 4-5 storey block, the Dev. Plan height limit is 28m, building will read as 6-storey because of recessed 7th floor.
- The FI Visual Impact Assessment assessed the building from 4 viewpoints and concluded that the impact on views would range from slight to moderate.
- No Protected Structures on Ship Street Great, other than the entrance gate to Dublin Castle, and all the other PSs are within the Castle complex.

Further Information response:

- The proposal was significantly revised by way of FI at the request and agreement of the PA (as summarized above).

Z5 zoning & Werburg Street FW Plan

- The redevelopment of an unattractive, underused brownfield site to provide a modern contemporary hotel in a tourist area complies with the Z5 objective.

- This Plan is a non-statutory study carried out for the general area which is not referred to the past or present Dev. Plans or available on the Council website.

Design & Massing on Ship Street:

- The original Ship Street elevational design sought to replicate the materials and window proportions of the façade opposite (former Garrison block)
- The proposal (footprint, design, upper floor setbacks, fenestration & materials) was revised by way of FI at the request & agreement of the PA; the roof plant was removed; the hotel entrance was repositioned adjacent to the pedestrian access to Le Pole Square; and the substation was relocated southwards.
- The design of the project was completed utilising 3D BIM software.
- Additional drawings describe the evolving design from application to FI response stage (AWL Drawing 15-24-A1-Sheet-1-1-02; 2-1-00 & 4-1-15).
- The changes resulted in the loss of 12 bedrooms from 136 to 124.
- The final design is an appropriate contemporary addition to the streetscape, which contrasts with the existing historic buildings as opposed to aping them.

7.4. Third Party Response (Luxor Investments Ltd.)

Consensus:

- There was no consensus between the applicant and Luxor.
- An independent Planning Consultant was appointed to help form a consensus on the boundary treatment and to exchange drawings, which did not happen.
- Luxor assumed the PA would take account of their concerns.

Overlooking & amenity issues:

- There are other ways to provide an animated elevation.
- The windows in the W elevation do not have consent from Luxor and will have to rely on daylight from the site.
- Attention is drawn to S.34(13) of the P&D Acts.

- The bathroom windows on the SW elevation are unnecessary and conflict with the Luxor development which presents a blank wall to the appeal site.
- The rear windows will overlook Le Pole Square, which is owned by Luxor.
- The Luxor hotel extension does not overlook the appeal site and the fire escape stairs provide a screen to the hotel bedrooms.

Security issues:

- Boundary treatment is inadequate to ensure the security of Le Pole Square.
- The application is premature until the boundary details area agreed.
- The link from the appeal site to Le Pole Square would constitute trespassing.

7.5. Third Party Response (An Taisce)

General:

- The 28m height is an upper height limit which cannot be applied to any location.
- There are many other influencing considerations related to the streetscape, existing heights/templates, topography, the FW Plan and built heritage.

Scale & design:

- A high quality design & appropriate scale is required opposite the Barracks.
- The elevations are too fussy and frenetic for this location.
- The initial scheme had a more simplified design which responded to the location.
- This approach, with the use of a soft toned brick would be more appropriate.
- The height of the building is excessive & should be reduced by at least 1-storey.

Need for integrated consideration:

- The 3 interfacing sites should be considered in an integrated manner.

7.6. Planning Authority response

The response raised no new issues.

7.7. Prescribed Bodies

No submissions received.

7.8. Observations

No submissions 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 hotel would therefore be compatible with the zoning objective for this area.

8.2. Height, design and heritage

Original proposal:

The applicant originally sought permission to construct a new c.5, 699sq.m, 7-storey 136-bedroom hotel. The proposed hotel would overlook the new urban space at Le Pole Square to the W that forms part of the proposed development to the rear of the Radisson Blu Hotel which is before the Board for consideration under PL29S. 247816. Le Pole Se square would be accessed via a new pedestrian link off Ship Street Great to the E and Chancery Lane to the W, and the stepped access off Ship Street Great would be located to the immediate N of the proposed hotel.

The proposed hotel would adjoin the existing Le Pole House office block to the S, and the eastern section of the proposed mixed use development to the N, which is before the Board for consideration under PL29S. 248136.

The proposed hotel would be c.38m wide and between c.19m to c.23m deep at basement and ground floor levels. The first to fifth floor levels would be set back c.2m from the front elevation with Ship Street Great. The sixth floor level would set back c.2.6m from the front elevation with the street and c.1m from the rear elevation with Le Pole Square.

The proposed building would be located on a slope and the height would range from c.21m to c.23m, however the proposed roof top plant equipment would increase the height in places by c.1m to c.2m in places. The height of the main 6-storey section would be similar to the parapet height of the neighbouring Le Pole House to the S, although the recessed 7th floor level would be c.2.5m higher. The height of the proposed mixed use development to the N (PL29S.248316) would be lower than the proposed hotel.

The proposed basement would contain 7 bedrooms, storage areas and a small gym. The ground floor would comprise a double height reception area in the SE section and a service area in the NE section with a restaurant and public bar in the middle. The upper floors would contain bedrooms, with plant equipment and solar panels at roof level. The design, fenestration arrangements and external materials proposed for the front and rear elevations would be similar to the adjacent Le Pole House office block to the S. The side elevation to the N would have a plain brick finish.

The Planning Authority had serious concerns in relation to the layout, height and design of the proposed hotel, and its relationship to the historic streetscape to the E and Le Pole Square to the W with regard to the preservation of archaeological remains and the reinstatement of an historic plaque. The applicant was also requested to liaise with the owner of the neighbouring sites to the E and N

(PL29S.247816 and PL29S.248316) to agree a coherent approach to the overall development of the urban block. The proposed development was amended in response to an FI request, the details of which are summarised in sections 3.1 and 3.2 above.

Amended proposal:

The footprint, design, height and internal ground floor layout was amended by way of the Further Information response, a new basement was included, and the number of bedrooms was reduced from 136 to 124 as a result of the changes.

The overall width of the proposed hotel would remain at c.38m for all floor levels. The depth would be reduced to allow for the undisturbed preservation of archaeological remains associated with St. Michael Le Pole Church, Graveyard and Graveyard Wall, and to allow for a greater set back from the Le Pole Square and proposed hotel extensions (PL29S.247816). The new basement and lower ground floor levels would be c.16.6m deep for a distance of c.30m, and c.23m deep for a distance of c.8m in the S section, whilst the N section of the ground to fourth floor levels would be c.20m deep and c.6m to c.9m wide. Most of the fifth floor level would be set back c.0.5m from the front elevation with Ship Street Great, whilst the NE section would be set back c.4m from the E elevation and c.6m from the N elevation. Most of the sixth floor level would set back from the front elevation to create a terrace, except for the S section next to Le Pole House, and the proposed setbacks would range from c.2.5m to 6m. The middle section of the building (c.21m) would be set back between c.6.5m and 9.5m from the site boundary to the W with Le Pole Square (PL29S.247816), whilst the S section (c.8m) would be set back between 0.25m and c.2m, and the N section (c.9m) would be set back c.1.5m.

The number of above ground floor levels would remain unchanged at ground to sixth floor level. However, the plant equipment would be relocated from the roof level to a new basement level, whilst the originally proposed basement level would become the new lower ground floor. This change would have the effect of lowering the final

parapet height of the proposed building, and the height would now range from c.21m (S) to c.22m (N). It is noted that there would be slight change in finished floor levels as a result of the proposed changes.

The new basement level (c.546sq.m.) would contain the relocated plant equipment, storage areas, staff facilities and a bicycle rack, whilst the small gym would be omitted. The lower ground floor would comprise storage areas, staff facilities, bathrooms, a kitchen and 7 bedrooms. Each bedroom would now open onto terrace that would overlook a sensory garden located over the archaeological preservation zone. The garden would be bound to the W by a new retaining wall with the historic graveyard wall beyond. The ground floor would comprise a double height reception area in the NE section and a service area and kitchen in the SE and SW sections. The restaurant and public bar would remain in the middle section. A new raised terrace (c.36sq.m.) would be introduced to the rear NW which would be located above the new lower ground floor sensory garden and it would overlook Le Pole Square to the W. The upper floor levels would contain bedrooms with a terraced area at sixth floor level. The solar panels would be omitted from the roof level.

The c.38m wide front elevation along Ship Street Great was redesigned to provide a modern contemporary façade with a number of recesses, setbacks and step downs at the upper floor levels to take account of the change in level along the street which slopes down S to N. The double height reception area would be relocated to the NE section, adjacent to the proposed pedestrian access off Ship Street Great to Le Pole Square (PL29S.247816), and the service area and substation would be relocated to the SE section next to Le Pole House. The historic plaque that marks the site of St. Michael Le Pole Church would be relocated from the warehouse building to the hotel entrance. The NW section of the rear elevation would contain projecting bay windows and the SW section would contain high level bathroom windows, all levels.

The Planning Authority was satisfied with the applicant's response to the Further Information request and the subsequent changes to the proposed development.

Considerations:

The three proposed developments that would occupy the appeal site and the two neighbouring sites to the N and W, 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. The urban block, which slopes down from S to N, is located to the S of the original City Wall and River Poodle, to the W of the original Black Pool and it may contain 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 occupies the SE section of the urban block. It is located in close proximity to 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 a 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 W and S of the Dublin Castle Complex which contains several protected structures, however the only one in close proximity to the block is the Ship Street Gate to the NE. The 4-5 storey brick terrace along Ship Street Great, which comprises the former Barracks, forms part of the Dublin Castle Complex and is Georgian in origin, however it is not a designated protected structure. The 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 urban 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 which occupies the site of the former 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 21st Century 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 Ship Street Great.

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

Development plan standards:

The proposed development, as amended by way of Further Information, would have a contemporary design with a mix of external finishes, setbacks and recesses, which is acceptable in terms of visual amenity. The proposed development, as amended by way of Further Information, would also largely comply with Development Plan standards for height, site coverage and plot ratio, having regard to the city centre location, the established pattern of development in the surrounding area and the scale of the urban block that is need of regeneration.

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 NE of the site. The proposed hotel would not be visible from Christchurch to the NW, the Iveagh Buildings to the W, St. Patricks Cathedral and park to the SW, or from along Stephen Street Upper to the SE. Any possible views from within the grounds of Dublin Castle would be minuscule in extent.

Relationship with neighbouring buildings:

The proposed 7-storey hotel building, as amended by way of Further Information, would be located to the N of the existing office block at Le Pole House, and to the S of the proposed 4-6 storey mixed use development (PL29S.248136) on the adjoining site. The proposed hotel would be set back c.3.5m from the front elevation of Le Pole House, it would be higher than Le Pole House, and it would have a more modern and contemporary appearance than the neighbouring building. The proposed mixed use development to the N (PL29S.248136) would be set back c.3m from the front elevation of the proposed hotel, it would be lower than the proposed hotel, and it would also have a contemporary design.

The height relationship is a cause for concern given that the proposed hotel would rise above the neighbouring buildings to the S and N (existing and proposed) to a significant extent. However, this concern could be addressed by way of a planning condition which would require a reduction in overall height of the structure by the omission on an intermediary floor level and the retention of the recessed upper floor level in the interest of visual amenity and continuity.

The concerns raised by An Taisce in relation to the height, design and external finishes is noted. However, having regard to the size and development lineage of the urban block, and the emerging character of development in the surrounding area, I am satisfied that the proposed development (as amended by FI and the recommended omission of one storey) would present an attractive and vibrant frontage to Ship Street Great and that it would relate well to the neighbouring buildings to the E, S and S (existing and proposed).

The proposed contemporary design and external finishes would complement rather than replicate those of the neighbouring buildings to the E, S and N (existing and proposed) which is acceptable in terms of visual amenity. However, the Board may wish to tone down the intensity of the orange and red panels proposed for the front and rear elevations.

Relationship to the streetscape:

As previously stated, Ship Street Great slopes down from S to N, and the proposed hotel would be located to the N of the existing Le Pole House office building, S of the proposed mixed use development (PL29S. 248136), and opposite a Georgian terrace. The proposed hotel would be significantly higher than the neighbouring buildings with a substantially different design and front elevation. The height was marginally reduced by the omission of roof top plant equipment in response to the Further Information request. The aforementioned recommended omission of one storey from the development would further reduce the height and improve the visual relationship with the neighbouring buildings and the historic streetscape.

The design, massing and layout of the proposed hotel was also amended by way of the Further Information to take account of the sloping nature of the street by the introduction of recesses, setbacks and a stepdown to reflect the change in levels along the street. This considered acceptable in terms of visual amenity and the

proposal (as amended by the omission of one storey) would present a vibrant and animated frontage along the streetscape.

Relationship with neighbouring spaces:

The proposed hotel, along with the proposed extensions to the rear of the Radisson Blu hotel to the W (PL29S.247816) and the proposed mixed use development to the N (PL29S.248136) would frame the proposed urban space at Le Pole Square. The proposed hotel would present a modern, contemporary and crisp frontage to the new square which is acceptable in terms of visual amenity.

The owner of these adjoining sites has raised concerns in relation to the proximity of the proposed hotel (as amended by FI) to the site boundary with Le Pole Square. These concerns relate to the proposed linear window feature in the N elevation; the proposed windows in the SW and NW sections of the rear elevations; unauthorised access from the proposed rear terrace to the new square after the evening closure of the pedestrian gates; adverse effects on the future development potential of the adjacent site; and daylight issues.

Most of these concerns could be addressed by way of planning conditions. Such conditions would require the omission of the window feature in the N elevation, the replacement of the projecting bay windows with windows that are flush with the rear elevation, and the omission of the rear bathroom windows. It is noted that the proposed terrace evolved as a response to a request to improve permeability. However, in the absence of the owner's agreement, access to Le Pole Square should be restricted to the pedestrian entrances off Ship Street Great and Chancery Lane proposed under PL29S.247816, and the screen around the terrace should be of a sufficient height to prevent unauthorised incursions to this space.

The appellant's concerns in relation to possible impacts on the future development of the neighbouring site are noted. Le Pole Square would be located on the site of two Recorded Monuments. The three proposed developments that would surround the new square have all been designed in a manner that would protect this historical site and preserve undisturbed archaeological material in-situ. It is therefore highly unlikely that that Le Pole Square would be the subject of an application for development in the current century. The concern raised by the appellant in relation to the reliance on daylight from the neighbouring sites are noted.

8.3. Archaeology and Le Pole Square

As previously stated in section 8.2 above, the proposed development would occupy the SE 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. The block is located within the Medieval City and to the S of the Walled City, 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 the historical layers include Early Christian, Viking and Medieval remains. The appeal site also contains two Recorded Monuments related to the remains of a C.12th 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.

Le Pole square

The concurrent application for two extensions to the rear of the Radisson Blu Hotel (PL29S.247816) includes a proposal to create a new urban square on the site St Michael Le Pole Church, Round Tower and Graveyard, and to provide an E-W pedestrian linkage through the site which would connect Ship Street Great to Chancery Lane. The proposed stepped access off Ship Street Gate would be located in between the proposed hotel 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 Blu Hotel and proposed extensions, and the proposed convention centre would have direct access to the space, whilst the proposed hotel would not.

The proposed development was accompanied by an Archaeological Assessment report. The City Archaeologist noted that the overall block, which contains the buried early medieval church and graveyard of St. Michael Le Pole, has the potential for Viking graves. The City Archaeologist stated their satisfaction with the proposed arrangements subject to further archaeological testing and excavations.

Consideration:

The proposed development was amended by way of Further Information (refer to sections 3.1 and 3.2 above). A number of the amendments related to a modified footprint for the proposed building and the provision of a new basement which would be located in close proximity to the archaeological preservation zone (refer to section 8.2 above). An additional Archaeological Impact Statement was submitted in relation to these changes. The new basement would be set back from the archaeological

preservation zone and graveyard wall and an additional buffer zone would be provided in the NW section of the site. The undisturbed remains within the preservation zone would be protected and preserved in-situ.

It is noted that the City Archaeologist did not respond to the Further Information submission. Although the development works would be deeper than originally proposed, they would also be located at a greater distance from the graveyard wall and I am satisfied that the conditions recommended by the City Archaeologist in relation to the original proposal are still applicable.

Having regard to the sensitive nature of this historic site, it is recommended that the conditions suggested by the City Archaeologist be attached in their entirety to any grant of planning permission.

8.4. Residential amenity

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

The E side of Ship Street Great is characterised by an unbroken 3-4 storey brick terrace of Georgian origin that forms part of the Dublin Castle Complex. This existing terrace, which is located opposite the appeal site, is used as offices with no residential content.

The W side of Ship Street Great is characterised by a mix of office buildings, vacant warehouses and a surface car park. The N end of the street is occupied by two existing office buildings, including Le Pole House, over a distance of c.60m. The middle sections are the subject of the currently proposed hotel over a distance of c.38m, and a separate proposal for a 6-storey mixed use development over a distance of c.40m (PL29S.248136). This development would comprise a convention centre with 86 apartments on the upper floors. The S end of the street is occupied by an existing office building (State Solicitors Office) which fronts onto Ship Street Little. This building is used as offices with no residential content.

The lands to the rear W of the appeal site are currently occupied by the rear section of the Radisson Blu hotel and a builder's yard. This adjacent site is the subject of a separate proposal for the construction of two 8-storey extensions to the rear of the existing hotel, and the creation of a new urban space at the site of St. Michael Le Pole Church and Graveyard. This proposal is currently before the Board for consideration under PL29S.247816. The proposed extensions would contain 103 bedrooms with no residential content.

The proposed hotel would be located to the SE of the proposed mixed use development (convention centre and apartments) which is under consideration by the Board under PL29S.248136. The two schemes would be located at right angles to each other. There would be no windows in the side N facing elevation of the proposed hotel and the windows in the rear elevation would be W facing. The windows in the rear elevation of the proposed apartments on the adjacent site would be S facing. Having regard to the juxtaposition and orientation of the two buildings, and the proposed window arrangements, there is little potential for overlooking and overshadowing between the two sites. However, the projecting bay windows in the rear NW section of the proposed hotel could give rise to some slight to moderate overlooking of the neighbouring residential site, and they should be omitted and replaced with windows that are flush with the rear elevation. Given that the proposed hotel bedrooms would not be permanently occupied, any impacts associated with overlooking would not be substantial and there would be no significant loss of amenity to the proposed neighbouring residential units.

Having regard to all of the foregoing, the proposed development would not adversely affect the residential amenities of the neighbouring apartments, as proposed on the adjoining site to the NW under PL29S.248136, to any significant extent.

8.5. Movement and access

The proposed hotel would comprise 136 bedrooms (amended to 124 by way of FI) along with a restaurant and bar. The Development Plan requires 1 car parking space

per 4 bedrooms, 34 (or 31 as amended) spaces are required and none are provided. However, the hotel would occupy a city centre location which is well served by public transport, taxis and Dublin Bikes, and there are several public car parks in close proximity to the site. It is also noted that several other similar hotel developments have been permitted in the City Centre which do not provide car parking spaces. The City Council's Roads and Traffic did not raise any concerns in relation to the lack of provision.

The existing loading bay to the front of the proposed hotel along Ship Street Great would be retained and this would accommodate service vehicles, taxis, drop offs and collections.

The Development Plan requires 1 bicycle parking space per 10 bedrooms and 14 spaces are required. The proposed development would provide 10 spaces in the basement, which is considered acceptable subject to the spaces being secure and well lit. It is noted that the hotel would occupy a city centre location which is well served the Dublin Bike scheme.

The proposed development would also benefit from the proposed new E-W pedestrian street to the immediate N which would link Ship Street Great to Chancery Lane via Le Pole Square. This link forms part of the proposed hotel extension development (PL29S. 247816), and it would improve pedestrian linkages and permeability through this urban block and connectivity with the surrounding area.

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 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 and serviced area 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 proposed development which include the sub-station and relocated historic wall plaque 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 25th day of November 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 as follows:
 - (a) The overall height of the structure shall be reduced by one storey by the omission of one intermediary floor level in its entirety and the retention of the recessed upper floor level.
 - (b) The glazed feature on the north facing elevation shall be omitted and replaced with a solid panel.

- (c) The projecting bay windows in the north west corner shall be omitted and replaced by windows that are flush with the rear west facing elevation.
- (d) The high level bathroom windows in the southern section of the rear west facing elevation shall be omitted.
- (e) There shall be no access from the rear terrace to Le Pole Square and the boundary screen shall be of a sufficient height.

Revised plans shall be submitted for the written agreement of the planning authority before development commences.

Reason: In the interest of orderly development, to enhance the visual character of the streetscape, and to protect residential amenity.

- 3. Details, including samples of the materials, colours and textures of all the external finishes to the proposed extensions 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 and the exact location of the historical wall plaque 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 archaeology requirements:

- (a) 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. The developer shall retain a licensed archaeologist to carry out the archaeological requirements of the City Archaeologist.
- (b) No construction or site preparation work may be carried out on the site until all archaeological requirements of the City Archaeologist are complied with.
- (c) The plaque indicating the former entrance to the church and graveyard of St Michael le Pole should be removed and re-erected (in the same or suitable position) on the façade of the proposed development.
- (d) An archaeological method statement for impact mitigation including temporary and enabling works shall be agreed in advance with the City Archaeologist.
- (e) 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).
- (f) 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 amendments to the development shall be subject to the written agreement of the planning authority where appropriate.

- (g) The ground shall be reduced to the base of the archaeological deposits. h) A finds-retrieval strategy shall be developed by the licensed archaeologist and submitted for agreement with The National Monuments Service and the City Archaeologist.
- (h) The developer shall fund the post-excavation work and sufficient resources allocated to ensure that correct archaeological procedures are adhered to.
- (i) The developer shall fund the public dissemination of the findings of archaeological investigations and excavations.
- (j) 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.
- (k) 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 or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

7. The developer shall comply with the following roads and traffic requirements:
 - (a) 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.
 - (b) Cycle parking shall be secure and well lit.
 - (c) 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.
 - (d) 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

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.

8. 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.

9. 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.

10. An asbestos survey shall be carried out on the warehouse 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.

11. 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.

12. 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.

13. 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.

14. 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.

Karla Mc Bride
Planning Inspector

9th June 2017