



An  
Bord  
Pleanála

## Inspector's Report 29S.248136

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<b>Development</b>	Construct a 6 storey over basement building comprising a convention centre and 86 apartments, and incorporating a new pedestrian street.
<b>Location</b>	Ship Street Great & Chancery Lane Dublin 8
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4280/16
<b>Applicant(s)</b>	Luxor Investments Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	An Taisce
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	5 <sup>th</sup> May & 2 <sup>nd</sup> June 2017
<b>Inspector</b>	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 7<sup>th</sup> Century and the remains of the 11<sup>th</sup> 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 N section the block. It comprises the existing car park and builders yard and part of the site of the St. Michael le Pole Church graveyard. The site is bound to the N by the offices of the Chief State Solicitor beyond and to the S by the Radisson Blu Hotel which includes the site of St. Michael le Pole church and graveyard. The hotel site is also owned by the applicant and it is the subject of a concurrent planning appeal under PL29S.247816 for two extensions to the rear of the hotel. The site is bound to the E by vacant warehouse buildings with Ship Street Great and a terrace of buildings which form part of the Dublin Castle complex. The neighbouring 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 7<sup>th</sup> 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.247816 and PL29S.247947 for the redevelopment of the adjacent sites to the S and E. The appeal site and the adjoining site located to the S is owned by the same applicant. The adjoining site to the S (PL29S.247816) comprises Phase 1 and the subject site comprises Phase 2 of the overall development of the applicant's lands.

## 2.0 Proposed Development

- 2.1. Planning permission is being sought to demolish all existing structures and erect a 4-6 storey building, comprising a convention centre, gallery, café and ESB substation with 86 apartments over.

The proposed development would comprise:

- c.17, 084sq.m, 20m high building on the c.0.38ha site.
- New E-W street between Chancery Lane and Ship Street Great.
- Heritage open space at Le Pole Square which would be open to the public during designated hours.
- 2-storey convention centre (818sq.m.), pre-conference lobby (936sq.m), meeting rooms (770sq.m.) and back up facilities.
- Exhibition gallery comprising 161sq.m. at ground level with access off Le Pole Square, and 127sq.m. at lower ground floor with access of Ship Street Great.
- Ground floor café (118sq.m) with dual access off Le Pole Square and the new E-W street off Chancery Lane.
- 86 apartments over 5 floors with balconies, terraces and courtyard.
- Vehicular access via a ramped entrance of Ship Street Great and cyclist access via a lift off Chancery Lane.

- The 2-storey basement would include plant equipment, storage, kitchens, staff facilities, 65 parking spaces, 90 cycle racks and refuse storage.
- An ESB substation off Chancery Lane.
- All associated site works, landscaping and boundary treatment.

**Accompanying documents:**

- Planning report
- Urban Design & Masterplan report
- Location of View Points report
- Visual Impact Assessment
- Archaeology report
- Daylight Analysis report
- Shadow Analysis & Vertical Sky Component Study
- Traffic Report & MMP
- Engineering Services report
- Mechanical and Electrical Services report
- Preliminary Construction Management report

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decide to grant planning permission for the proposed development subject to 21 standard conditions.

- No.3 required that Le Pole Square be fully completed and landscaped prior to occupation of the development.
- No.4 required that the accesses to the new E-W pedestrian street and Le Pole Square be well lit and remain open during times to be agreed with the PA.
- No.7 set out the detailed requirements of the City Archaeologist.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the planning officer 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.

#### 3.2.2. 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.

**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.

### 3.3. Prescribed Bodies

No reports received.

### 3.4. Third Party Observations

**An Taisce** raised the following concerns in relation to the proposed development:

- Size & design of the section fronting Ship Street Great is important given its interface with Dublin Castle, close to the Ship Street Great & Castle steps.
- Building fails to follow existing building profiles, including the 4-storey parapet with recessed 5<sup>th</sup> storey of the Chief State Solicitors Office and Le Pole House.
- The 5-storey building would be 2-3 stories higher than the former Ship Street Barracks located opposite, with little regard for this historically important site.
- Overall height needs to be reduced, block should follow the format of the State Solicitors Office and Le Pole House, in line with the Framework Plan.

- The elevation onto Ship Street Great is deceptive as it features the hotel extension on Chancery Lane (which is currently on appeal) which makes the E elevation appear smaller than it would be in reality.

## 4.0 Planning History

### 4.1. Appeal site: Ship Street Great & Chancery Lane

**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 6<sup>th</sup> floor of Block A.

#### 4.2. **Site to South: Chancery Lane, Ship Street Great & 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 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 5<sup>th</sup> & 7<sup>th</sup> 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 5<sup>th</sup> 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 7<sup>th</sup> storey to the hotel block for bedroom use and an additional 8<sup>th</sup> & 9<sup>th</sup> 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 1<sup>st</sup> to 5<sup>th</sup> 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 7<sup>th</sup> storey to the hotel; an additional 8<sup>th</sup> 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 7<sup>th</sup> floor plan at the corner of Chancery Lane and Golden Lane to provide an additional 78.5sqm of floor space.

#### 4.3. **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.



#### 4.4. **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.

### 5.0 **Policy Context**

#### 5.1. **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.

#### 5.2. **Sustainable Urban Housing Design Standards for Apartments-Guidelines for Planning Authorities (DoECLG 2015)**

Section 3 of the Guidelines contains Apartment Design Standards that have been incorporated into Section 16.10.1 (Residential Quality Standards-Apartments) of the Dublin City Council Development Plan 2016 to 2021 (refer section 5.3 below).

#### 5.3. **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 the proposed uses are permissible within the Z5 zone.

## Built Heritage

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

## Policies and objectives

**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 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)

24m maximum (residential)

**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 dwelling (residential)

1 space per 400sq.m. (cultural & recreational)

**Cycle parking:** 1 space per unit (residential)

1 per 100sq.m (cultural & recreational)

**Residential development standards (Section 16.10.1):**

**Mix of Residential Units:**

1-bedroom units: 25-30% maximum

3+ bedroom units: 15% minimum

**Minimum dimensions for 1-bed units:**

Floor area:	45sq.m.
Living/dining/kitchen:	23sq.m. & 3.3m wide
Double bedroom:	11.4sq.m. & 2.8m wide
Storage areas:	3sq.m

**Minimum dimensions for 2 & 3 bed units:**

Floor area:	73sq.m. & 90 sq.m
Living/dining/kitchen:	30sq.m. & 3.6m wide (2-bed)
Living/dining/kitchen:	34sq.m. & 3.8m wide (3-bed)
Single bedroom:	7.1sq.m & 2.1m wide
Double bedroom:	11.4sq.m. & 2.8m wide
Twin bedroom:	13sq.m & 2.8m wide
Storage areas:	6sq.m & 9sq.m

**Private & communal open space:**

1-bedroom unit:	5sq.m. & 5sq.m.
2-bedroom unit:	7sq.m. & 7sq.m
3-bedroom unit:	9sq.m. & 9sq.m

**Public open space:** 10% of the site area shall be reserved as public open space.

**Aspect/Natural Lighting/Ventilation/Sunlight:** living & bed rooms should not be lit solely by roof lights, all habitable rooms must be naturally ventilated and lit.

**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.

#### **5.4. 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal: An Taisce

#### **General considerations:**

- Height & massing where it interfaces with Ship Street Great & Dublin Castle conflicts with the Z5 objective.
- Adverse impact on the setting of protected structures at Dublin Castle which dates from the C13th, and in particular the Ship Street Gate, Castle Steps & remaining portions of the City Wall; and visually obtrusive from Dublin Castle.
- Incompatible with the Werburg Street Framework Plan & lack of respect for the scale & setting of the existing historic streetscape.
- Excessive height & bulk would result in an incoherent & lopsided streetscape as the site is bound to the S by the 3-storey late 1990s GE Capital building and the 4-5 storey mid-2000s Le Pole House; to the N by the 4-5 storey Chief State Solicitor's office; and to the E by a classical 3-4 storey streetscape.
- The redevelopment of the vacant sites is welcome, however the existing building profiles & height lines should be followed and the streetscape reinstated in a coherent manner.
- The local street plan is very old and unchanged over c.300 years and the contemporary high density redevelopment of the C20<sup>th</sup> 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.
- The Z5 zone & Policy CHC2 seek to protect the civic design character of the area and the special interest of protected structures.

**Framework Plan:**

- The Plan provides for the treatment of this site and adjacent development; this includes a 25m high cylinder to represent the C7<sup>th</sup> Round Tower; and the maintenance of the site as a useable & permeable space.

**Drawings & imagery:**

- There is a lack of material adequately conveying the interface of the new building with Ship Street Great & Dublin Castle.
- The CGI views 3, 4 & 5 show the 6-storey building on Ship Street, but not the height disparity between the elevation and 3-storey historic buildings opposite.
- The images also include proposed buildings, including the proposed extensions to the rear of the Radisson Blu hotel which does not have a presence on Ship Street, and the images are distorted and have the effect of making the building look less large than it is.

**Recommendations:**

- Omit one intermediary floor level from the Ship Street Great block.
- Omit the top floor along Chancery Lane or recess it back by 2.5 to 3m.

**6.2. Applicant Response****Height/massing & impact on Dublin Castle:**

- The regeneration project will provide a new pedestrian street to link Dublin Castle to St. Patricks Cathedral via a new urban square (Le Pole) and it will provide a vibrant mixed use development.
- Height & massing are compatible with the urban grain ranging from 3-4 stories along Ship Street to the 8-storey Radisson hotel on Golden Lane.
- Barely visible from Dublin Castle and is not visually obtrusive within the complex, and it is only obliquely viewed down the narrow Ship Street Great, and will not be seen from Werburg Street, Ship Street Little or St. Patricks.

- Contemporary design has regard to the historic setting including the Castle, the finishes mainly comprise brick & metal and glazed handrails which picks up the contextual architecture in Dublin Castle and surrounding buildings.
- Heights comply with DCC standards for commercial & residential schemes, and the building line steps down along Ship Street Great to reflect the slope.
- Access to the convention centre will be off Ship Street Great which is fitting for a public building and the finishes will mirror the barracks building opposite.
- While the plot ratio of 3.25 is higher than Dev Plan standards, higher ratios to facilitate redevelopment in areas in need of urban renewal, and to maintain the streetscape are permitted, and a new square would also be provided.

**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.
- 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 the square will also provide a high quality heritage and amenity space.



**Impact on historic streetscape:**

- The comments summarised above apply.
- Proposal forms Phase 2 of the overall development of this city block.
- Phase 1 & 2 will be built as one scheme, although Phase 2 could stand alone.

**Conclusions:**

- Request the Board to grant permission.

**6.3. Planning Authority Response**

No response.

**6.4. Observations**

None received.

**6.5. Prescribed Bodies**

None received.

## 7.0 Assessment

The issues arising in this case are:

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

### 7.1. 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. The proposed uses are permissible within this zone and the proposed convention centre and apartments would be compatible with the zoning objective for this area.

### 7.2. Height, design & heritage

#### **Previously permitted development:**

Planning permission was previously granted under Reg. Ref. 3990/07 for a mixed-use development on this site comprising three 6 to 8 storey blocks over double basement containing apartments, office space and hotel extension with vehicular access off Ship Street Great. The works included the provision of new pedestrian links running W-E and N-S through the site and Le Pole Gardens. Conditions included the omission of the double basement, along with 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. A smaller 2-storey basement car park with a new layout

was permitted under Reg. Ref. 3087/08 and the area was again reduced from 4,597sq.m to 4,277sq.m. under Reg. Ref. 5133/08.

**Proposed development:**

The applicant is seeking planning permission to construct a new 4-6 storey mixed use development which would mainly comprise a convention centre, apartments, cafes and an exhibition space. The proposed c.17, 084sq.m could comprise 2 basement levels, a lower ground floor, a ground floor and 5 upper floors. The proposed design and layout takes account of the site gradient which slopes down from S to N and up from E to W, and the ground floor level would be level with Le Pole Square to the S.

The two proposed basement levels would each be c. 2287sq.m., and between c.56m to c.65m wide and between c.23m and c.46m deep. The S section (c.428sq.m.) would be left undisturbed to provide a preservation zone around site of St Michael Le Pole church, graveyard and graveyard wall. The lower ground floor would be between c.56m and c.65m wide and mainly c.46m and c.49m deep with a c.257sq.m. unexcavated area. The “L” shaped ground floor level would be between c.56m and c.65m wide and between c.40m and c.49m deep. The 1<sup>st</sup> to 4<sup>th</sup> floor levels would comprise three interconnected sections positioned around a central courtyard located over the convention centre. The W block would be c.17m wide and c.50m deep; the central block would be c.26m wide and c.17m deep; and the E block would be c.21m wide and c.40m deep. The fifth floor would comprise three separate sections. The W block would be between c.14m and c.17m wide and c.50m deep with recessed terraces along Chancery Lane; the central block would be c.15m wide and c.17m deep; and the E block would be c.12m wide and c.25m deep with a c.8m setback from Ship Street Great to the E and a c.17m setback from the State Solicitors Office to the N.

The proposed development would be located within a larger urban block that slopes down from S to N and within a site that also slopes up from E to W. The height of the proposed building along Ship Street Great would range from c.18m to 19m, it would step down by c.4m from the proposed hotel on the adjacent site to the S (PL29S.247947) and the height of the recessed NE section would be similar to the E elevation of the existing State Solicitor's Office to the N. The height along Chancery Lane would be between c.20m and c.21m, it would adjoin the proposed pedestrian entrance to Le Pole Square to the S, with the proposed extension to the rear of the Radisson Blu hotel beyond (PL29S.247816), and the State Solicitor's office to the N. The height along the Le Pole Square frontage would be between c.16m and 20m.

The two proposed basement levels would contain car parking spaces and storage areas. The lower ground and ground floors would mainly comprise the convention centre with an exhibition space over both levels in the SE section. Access to the convention centre would be off Ship Street Great at lower ground floor level whilst access to the exhibition space would be off both Ship Street Great and Le Pole Square. The upper floors would contain 86 apartments with a courtyard at first floor level over the main hall of the convention centre, and access to the apartments would be off Ship Street Great, Chancery Lane and Le Pole Square.

The proposed development would have contemporary design which would complement rather than replicate the neighbouring buildings (existing and proposed). There would be extensive glazing along the E elevation along Ship Street Great, the W elevation along Chancery Lane and the N elevation at Le Pole Square. The proposed c.6m wide stepped entrance off Ship Street Great to Le Pole Square would be located in between the SE section of the proposed development and the proposed hotel to the S (PL29S.247947). The c. 6.5m wide entrance off Chancery Lane to Le Pole Square would be located in between the SW section of the proposed development and the proposed hotel extension to the S (PL29S.247816).

## **Considerations:**

The three proposed developments that would occupy the appeal site and the two neighbouring sites to the S 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. The urban 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 original Black Pool, and it may contain the site of the original monastic settlement of Dubh Linn. The block dates back to the C.8<sup>th</sup> 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 N section of the urban block. It is located in close proximity to the remains of a C.12<sup>th</sup> St. Michael Le Pole church, round tower and graveyard which is 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 residential and commercial buildings which surround the urban 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 21<sup>st</sup> 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 and Chancery Lane.

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

**Development plan standards:**

The proposed development 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 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 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 development 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 and streetscape:**

**Ship Street Little:** The proposed 4-6 storey mixed use development would be located to the S of the existing office building that is occupied by the State Solicitors Office which fronts on to Ship Street Little. The proposed NW section would adjoin the neighbouring building at ground to 5<sup>th</sup> floor levels, the NE section would adjoin it up to fourth floor level with a substantial set back at fifth floor level, and the central section would be set back c.34m from the rear elevation. The proposed elevations along Ship Street Great and Chancery Lane would be in line with the side elevations of the neighbouring building. The proposed building would not be visible from Ship Street Little and it would not have an adverse visual impact on the setting of the State Solicitors Office.

**Ship Street Great:** This street slopes down from S to N. The proposed development would be located to the N of the proposed 7-storey hotel (PL29S.247947) on the adjoining site. The proposed development would be lower than the proposed hotel, and it would be set back c.3m from the front elevation of the hotel which would in turn be set back c.3.5m from the front elevation of the existing office building at Le Pole House. The central section of the proposed building would be slightly higher than the State Solicitors Office to the N, however the substantially recessed upper floor in the NE section would reduce the scale of the building relative to the State Solicitors Office, which is considered acceptable. The E section of the proposed development along Ship Street Great would be c.3m higher than the Georgian terrace on the opposite side of the street with a c.17m separation distance. The higher elements of the proposed development would be located c.25m and c.44m from this terrace. Having regard to the design, height and scale of the proposed

development and the substantial setbacks from Ship Street Great, I am satisfied that the proposed development would not have an adverse visual impact on any nearby buildings (existing or proposed).

**Chancery Lane:** This street also slopes down from S to N. The W section of the proposed development would be located to the N of the proposed extensions to the rear of the Radisson Blu Hotel (PL29S.247816) and to the E of the existing apartment buildings along this lane. The proposed building would be c.3m lower than the neighbouring extensions and it would be separated by a c.6.5m wide pedestrian access to Le Pole Square. The proposed building would also be lower than the existing apartments on the opposite side of Chancery Lane with a c.14m separation distance. The NW section would rise c.3m above the front section of the adjacent apartment building to the immediate W at Wyndham Court, whilst the rear section would be of a similar height. Having regard to the prevailing and emerging pattern of development in the area, and to the design, height and scale of the proposed development along with the separation distances along Chancery Lane, I am satisfied that the proposed development would not have an adverse visual impact on any nearby buildings (existing or proposed).

**Relationship with neighbouring spaces:**

The proposed development, along with the proposed extensions to the rear of the Radisson Blu hotel (PL29S.247816) and the proposed hotel development (PL29S.247947) along Ship Street Great would frame the proposed urban space at Le Pole Square. The proposed convention centre and apartments would present a modern and contemporary frontage to the new square which is acceptable in terms of visual amenity, and it would not detract from the setting of any other buildings around the square (existing and proposed).



The concerns raised by An Taisce in relation to the height, design, external finishes and relationship to the streetscapes and spaces are 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 would present an attractive and vibrant frontage to Ship Street Great, Chancery Lane and Le Pole Square. It would also relate well to the neighbouring buildings (existing and proposed). The proposed contemporary design and external finishes would complement rather than replicate those of the existing buildings which is acceptable in terms of visual amenity.

### **7.3. Archaeology and Le Pole Square**

As previously stated in section 8.2 above, the proposed development would occupy the N 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 and W of the original 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.

**Proposed works:**

The proposed 4-6 storey mixed use development over a 2-storey basement would occupy the N section of the urban block, and a new square would be created over the site of St. Michael Le Pole Church, Graveyard and Round Tower. The concurrent application for extensions to the rear of the Radisson Blu Hotel (PL29S.247816) also includes the same proposal for a new square and to provide an E-W pedestrian linkage through the site which would connect Ship Street Great to Chancery Lane.

**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.7<sup>th</sup> monastery of Dubh-linn and the site was later used as a Viking burial ground and occupied by a C.12<sup>th</sup> St. Michael le Pole Church and Graveyard.

The proposed double basement levels would be set back from the archaeological zone which contains the remains of the church, graveyard and graveyard wall. This would take account of the sensitive nature of the site and it would address the issues raised in the previous application for the redevelopment of the site under Reg. Ref. 3990/07, which also contained a basement, and the concerns raised during the pre-applications meetings with the Council.

The City Archaeologist noted that the basement works would necessitate a substantial archaeological excavation (with preservation by record) but stated their satisfaction with the proposed arrangements subject to further archaeological testing and excavations. They also noted that the NE portion of the site has not been previously tested because a building formerly stood there, and that it is now possible to undertake testing. It was also noted that the SW dog-leg of the proposed basement where the building abuts the proposed hotel extensions (PL29S.247816) has seen limited testing and that it would be advisable to undertake additional testing. These concerns could be addressed by way of planning conditions.

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.

#### **7.4. Residential amenity – neighbouring sites**

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.

##### **Chancery Lane:**

The W and N sides of Chancery Lane comprise recently constructed apartment and office buildings. The E side of the Lane is occupied by the existing Radisson Blu Hotel over a distance of c.62m and the proposed 8-storey hotel extension (PL29S.247816) would occupy the middle section of the lane over a distance of c.20m. The proposed mixed use development (convention centre and apartments) would occupy the remaining N section of Chancery Lane over a distance of c.28m and the northernmost section would be located adjacent to an existing apartment building to the W at Wyndham Court.

The NW section of the proposed development would be located to the immediate E of the adjacent apartment building at Wyndham Court which would not be overlooked or overshadowed due to the absence of windows in the existing and proposed elevations.

The W section of the proposed development would be located to the of the E of the existing apartments along the opposite side of Chancery Lane at Castleway Apartments with a c.14m separation distance. Although there would be some overshadowing in the early part of the day, having regard to the city centre location and the established pattern and density of development in the area, any impacts associated with overshadowing and overlooking would not be substantial. There would be no significant loss of amenity to the neighbouring residential properties.

**Ship Street Great:**

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 S 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 (PL29S.247947) over a distance of c.38m, and the currently proposed mixed use development over a distance of c.40m. The S end of the street is occupied by an existing office building (Chief State Solicitors) which fronts onto Ship Street Little. All of these buildings are used as offices with no residential content with no adverse impacts anticipated.

**Le Pole Square:**

The lands to the rear SW 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 (PL29S.247816). The proposed extensions would contain 103 bedrooms with no residential content. The lands to the rear SE of the proposed development appeal site are currently occupied by warehouses buildings. This adjacent site is the subject of a separate proposal for the construction of a 7-storey hotel (PL29S.247947) not have a residential content, with no adverse impacts anticipated.

**Consideration:**

The three proposed developments would be separated from each other by the new urban space at Le Pole Square (c.1000sq.m.) which also forms part of the development proposed under PL29S.247816. 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. None of the proposed buildings would have a residential content with no adverse impacts anticipated.

**7.5. Residential amenity – proposed apartments**

The proposed mixed use residential and commercial development would contain 86 apartments at first to sixth floor levels. Residential development standards are set out in the DoE Guidelines “Sustainable Urban Housing Design Standards for Apartments Guidelines” and section 16.10.1 (Residential Quality Standards- Apartments) of the Development Plan (summarised in section 5.3 above).

The proposed apartments would comprise 16 x 3-bed, 43 x 2-bed and 27 x 1-bed units which would comply with dwelling mix requirements. The proposed units would range in size from c.51sq.m. to 115sq.m. and most of the units would exceed minimum floor area and room size requirements. More than 50% of the units would be dual aspect and none would be exclusively N facing.

The applicant’s Daylight Analysis Report indicated that most of the living areas and bedrooms would be adequately lit by natural day in line with recommended standards. However, it is noted that several of the bedrooms in some of the corner units in the W section at first to fourth floor levels would have less than optimal daylight. This is as a result of the layout of the blocks around the central courtyard. This is considered acceptable on balance, having regard to the city centre location of

the proposed development which also complies with, and often exceeds, other residential standards, including floor area and room size.

The proposed E and W blocks would be separated by a distance of at least 22m. The proposed units would not overlook each other and the proposed blocks would not overshadow each other to any significant extent. It is noted that the balconies for the corner units at the junction of Cores B and D would have a c.4.5m diagonal separation. This results from the layout of the blocks around the central courtyard, and the proximity is considered acceptable for the reasons outlined above in relation to daylight. Furthermore, the balconies would not directly oppose one another and there would be no significant overlooking or loss of privacy at these locations.

All of the units would have direct access to a balcony or terrace. Most of these private open spaces which would exceed minimum private open space requirements, some marginally and some significantly.

All of the units would have internal storage. Although several of the units would not comply with minimum storage requirements, all of the units would have access to basement storage areas, which is considered acceptable.

Communal open space would be provided over the proposed convention centre at first floor level and it would contain a play area and landscaped courtyards, and at fifth floor level in the form of a terrace in the E section. The Development Plan requires a total of 580sq.m. to serve the 86 units and c.680sq.m. would be provided in the form of the c.540sq.m. courtyard and the c.140sq.m. terrace.

No public open space would be provided. However, the occupants would have access to Le Pole Square and there are several open spaces in the vicinity, including the parks at Dublin Castle, St Patrick's Cathedral and St. Stephen's Green.

Having regard to all of the foregoing, the proposed apartment development would provide for an acceptable level of residential amenity in line with National Guidelines and Development Plan standards in relation to dwelling mix, floor area, room size, daylight/sunlight, privacy, open space and storage.

#### **7.6. Movement and access**

The proposed mixed use residential and commercial development would have a gross floor area of 17,084sq.m. and it would contain 86 apartments and a c.1,985sq.m. convention centre along with an exhibition space and cafes.

Vehicular access to the basement car parks would be off Ship Street Great in the NE corner of the proposed development, c.30m to the S of the junction with Ship Street Little. These roads are not heavily trafficked and the sightlines would be adequate in either direction for a city centre location. Deliveries and servicing would take place from an existing loading bay along Ship Street Great. The proposed arrangements are considered acceptable in terms of traffic safety.

The proposed development would be located within Parking Zone 1. The Development Plan requires 1 car parking space per apartment unit and 86 spaces would be required, and 1 space per 400sq.m. for cultural and recreational buildings and 5 spaces are required. A total of 91 spaces are therefore required to serve the proposed development and 65 are proposed for apartment use only.

The 26 space shortfall is noted, however the proposed development would occupy a city centre location which is well served by public transport (bus and Luas), taxis, Go-Car and Dublin Bikes, and there are several public car parks in close proximity to the site. The proposed development would not give rise to overspill car parking on the neighbouring streets as on-street car parking is severely restricted in the area. The proposed level of provision is therefore considered acceptable, subject to the inclusion of 2 spaces for use by "Go-Car" and the remaining spaces should be permanently allocated to the residential units.



Access to the basement bicycle parking spaces would be via a designated bicycle lift off Chancery Lane. The Development Plan requires 1 bicycle parking space per apartment and 86 spaces are required, and 1 per 100sq.m for cultural and recreational uses and 20 spaces are required. A total of 106 spaces would be provided spaces would therefore be required. The proposed development would provide a total of 108 spaces including 90 in the basement and 18 at Le Pole Square. The proposed arrangements are considered acceptable subject to the spaces being conveniently located, secure and well lit.

The proposed development would also 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 hotel extension development which is before the Board for consideration under PL29S. 247816, and it would improve pedestrian linkages and permeability through this urban block.

The applicant's Traffic Report concluded that the proposed development would have a negligible impact on the surrounding road network. Having regard to the city centre location, the proposed mix of uses and the scale of proposed development, I would concur with this conclusion. I am satisfied that the proposed development would not generate a significant amount of additional traffic, give rise to a traffic hazard or endanger the safety of other road users, cyclists or pedestrians.

The contents of the applicant's Mobility Management Plan are noted and the applicant should be required to ensure that that future occupants of the proposed development comply with this plan.

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.

## 7.7. Other issues

**Affordable housing:** The developer should comply with Section 96 requirements in relation to the provision of social and affordable housing.

**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.

**Childcare facility:** The proposed residential development does not contain a childcare facility which is a requirement for developments that contain 75 units or more. It is noted that the applicant's Planning Report states that there is an oversupply of similar facilities in the area, and that the residential element would comprise a build to let apartment facility aimed at the corporate housing market. Notwithstanding these assertions, the proposed development would contain family sized accommodation in line with national and local dwelling mix requirements (which seek to provide for sustainable residential communities) and the proposed landscaped courtyard would contain a children's playground. The absence of a childcare facility could be addressed by way of a planning condition.

**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.

***Landscaping:*** Details for the courtyard area and terraces should be agreed in writing with the planning authority prior to the commencement of development.

***Other elements:*** The other elements of the proposed development which include the cafe, exhibition gallery and sub-station are considered acceptable.

## 8.0 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.

## 9.0 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.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. 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.

- 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 façades of the development, shopfront details and any 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 landscaping scheme for the courtyard shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

7. The developer shall comply with the following archaeology requirements:
  - (a) The developer shall retain a licensed archaeologist to carry out the archaeological requirements of the City Archaeologist.
  - (b) The developer's archaeologist shall adhere to and further develop the archaeological mitigation strategy outlined in the archaeological report in consultation with the City Archaeologist and the relevant statutory authorities.

- (c) No construction or site preparation work may be carried out on the site until all archaeological requirements of the City Archaeologist are complied with.
- (d) 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 sit clearance/construction work commences.
- (e) Archaeological testing should be undertaken in the northwest portion of the site and the southwest dog-leg of the proposed basement where the works abut the neighbouring development.
- (f) An archaeological method statement for impact mitigation including temporary and enabling works shall be agreed in advance with the City Archaeologist.
- (g) 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).
- (h) 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.

- (i) The ground shall be reduced to the base of the archaeological deposits.
- (j) A finds-retrieval strategy shall be developed by the licensed archaeologist and submitted for agreement with The National Monuments Service and the City Archaeologist.
- (k) The developer shall fund the post-excavation work and sufficient resources allocated to ensure that correct archaeological procedures are adhered to.
- (l) The developer shall fund the public dissemination of the findings of archaeological investigations and excavations.
- (m) 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.
- (n) 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.



8. 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) Prior to commencement of development the applicant shall agree details of the materials proposed in public places with the Council's Roads Maintenance Division.
  - (c) Two car parking spaces within the development shall be made available for use by an official car club. The remaining car parking spaces shall be permanently allocated to the residential units within the development and shall not be sold, rented or otherwise sub-let or leased to other parties.
  - (d) Cycle parking shall be secure, conveniently located and well lit.
  - (e) 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.
  - (f) 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 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.

- 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, building works and deliveries of materials, plant or

machinery 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. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination. **Reason:**

To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

17. Appropriate childcare facilities, in accordance with “Childcare Facilities: Guidelines for Planning Authorities” issued by the Department of the

Environment and Local Government in June 2001, shall be provided and shall be the subject of a separate application for planning permission to the planning authority.

**Reason:** To comply with the provisions of these Guidelines.

18. 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.
- 19 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.

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Karla Mc Bride  
Planning Inspector

9<sup>th</sup> June 2017