



An
Bord
Pleanála

Inspector's Report ABP-302454-18

Development	Extension to bedroom floor at 6th floor level to provide a new presidential suite and associated minor alterations to 5th floor level.
Location	The Radisson Blu Royal Hotel, Golden Lane, Dublin 8
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3235/18
Applicant(s)	Luxor Investment
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Wave Point Ltd.
Observer(s)	None
Date of Site Inspection	3 rd December 2018.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The appeal site is located on the south side of Dublin City Centre within the fifth floor and roof level of the existing south western block of the Radisson Blu Hotel abutting Chancery Lane.
- 1.2. The surrounding area is mixed use in character and comprises a mix of commercial, residential and institutional uses. The site forms part of a large rectangular shaped urban block that is defined by Golden Lane to the south, Chancery Lane to the west, Ship Street Little to the north and Ship Street Great to the east.
- 1.3. The block is also located within the vicinity of the original settlement of Dubh-linn. 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.
- 1.4. Lands within the application site are currently under construction and have been the subject of a number of planning consents in recent years which are intended to be implemented on a phased basis. These consents will provide for a number of extensions to the existing hotel facility which include the provision of a 6-storey convention centre and 86 no. apartments (ref: PL29S.248136), 7-Storey hotel building (ref: PL29S.247947) and 2 no. 7 storey hotel extension (ref:PL29S.247816).

2.0 Proposed Development

- 2.1. Planning permission is being sought to extend and modify the existing hotel as follows:
 - a) Extension to existing bedroom floor at 6th floor level of 140sqm to provide for a new presidential suite, support room and north facing terrace.
 - b) Alterations to 5th floor level of 72sqm of bedroom area and reduction in east / west terraces to accommodate.
 - c) Alterations to ground floor structural columns.

3.0 Planning Authority Decision

3.1. Decision

Permission granted with standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners report is consistent with the planning authority decision.

3.2.2. Other Technical Reports

- Drainage Division - No objections subject to conditions
- Archaeology - No objections subject to conditions

3.3. Prescribed Bodies

- Transport Infrastructure Ireland - The development falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme – Luas Cross City.

3.4. Third Party Observations

- One observation was received the issues raised are as set out in the grounds of appeal.

4.0 Planning History

4.1. Appeal site: Chancery Lane & Ship Street Great

3025/18 Permission was **granted** for alterations to previously granted application no. 2962/16 on foot of An Bord Pleanála condition No. 2 (ABP Ref. PL29S.247816) comprising the reconfiguration of level 5 to accommodate an additional 72sqm of bedroom area and alterations to front and rear terraces along Chancery Lane and Le Pole Square.

2962/16 & PL.29S.247816 Permission was **granted** for the demolition of warehouses and construct two x 8-storey hotel extensions.

4422/04: Permission **granted** for a 0.43ha site comprising a 5-9 storey hotel and a 6-storey office block.

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; and provision of an additional 5th floor office space.

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.

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. 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

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

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

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) 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.

5133/08: Permission **granted** for modifications to the previously permitted mixed use development.

East of appeal site: Ship Street Great

2701/16 & 247947: 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.

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.

4.2. 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. Development Plan

Dublin City Development Plan 2016-2022

The appeal site is located within an area zoned Z5 in the Dublin City Development Plan 2016-2022 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 following relates to 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)

The following policies and objectives are more generally relevant:

- Policy CHC9: seeks to protect and preserve National Monuments:
- Objective CHCO10 – seeks to promote archaeological best practice.
- Policy CHC12: seeks to promote tourism in the medieval city and suburbs.
- Policy CEE12 (i): promote & facilitate tourism as one of the key economic pillars of the city's economy.
- Policy CEE13 (iii): to promote and support the development of additional tourism accommodation at appropriate locations.
- Policy CEE22: to promote and facilitate the crucial economic and employment potential of regeneration areas in the city such as Dublin 1, 7 & 8

Urban Development and Building Height Guidelines for Planning Authorities 2018

- Section 3.0 Building Height and Development Management

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

- The previous permission issued by the Board required the removal of the fifth floor and retention of the recessed 6th floor in order to reduce loss of light to the proposed Le Pole Square development.
- The proposed development seeks to circumvent this decision.
- The proposed terrace would give rise to excessive noise disturbance to surrounding properties.

6.2. Observations

- TII have submitted an observation outlining that the appeal site is located within the Luas Cross City Section 49 scheme.

7.0 Assessment

7.1. The proposed development is located within an area zoned Z5 under which hotel developments are accepted. The principle of the proposed extension is therefore in accordance with the zoning objective for the site.

7.2. The issues arising from the appeal are as follows:

- Height, design & Loss of light
- Impact on residential amenity.
- Archaeology
- Other matters

Height, design & Loss of light

7.3. The original permission granted under ref: 2962/16 & PL.29S.247816 sought the development of an 8-storey hotel extension. Concerns were raised during the assessment of this application at appeal stage in relation to the relationship of the proposed building with the surrounding blocks present within the immediate vicinity of the site. This proposal extended higher than the existing hotel block and the provision

of a full floor above the height of the existing hotel was not considered to tie in cohesively with the development. Concerns were also raised with regard to the potential loss of light to the square within the centre of this block. The provision of a recessed upper floor as proposed within this development, was not considered to have an impact upon the overall bulk of this building or the potential loss of light and as such was retained whilst the removal of a full floor below was sought via condition.

- 7.4. The overall intention of this condition was to reduce the bulk and dominance of the proposed extension when viewed in conjunction with existing development at this location, and to reduce overshadowing to the existing square within this block. Having regard to the marginal increase in floor space proposed within the current proposal at the 5th floor which is stated as 72sqm, it is considered that this element of the proposal will not unduly impact upon the overall bulk of the building and will retain the appearance of a recessed floor at this location.
- 7.5. Furthermore, given the limited area of additional floorspace it is considered that the extension at 5th floor will not exacerbate overshadowing to the St. Michael Le Pole Square or surrounding properties and as such is considered to be acceptable.
- 7.6. The additional 140sqm presidential suite at 6th floor will have a finished height of 37.3 metres and is located directly adjacent to the current lift shaft and stair well which has a roof level of 38.875 metres. This element of the proposal will be recessed back from the side walls of the extension and will appear as a subservient minor extension to this element of the hotel when viewed in conjunction with both the lift shaft and stair well to the rear and the higher elements of the hotel which reach an overall height of 40.320 metres.
- 7.7. It is considered that the proposed presidential suite by virtue of the limited size and location within the roof in such a recessed manner is acceptable and will not result in any significant increase in overshadowing to either St. Michael Pole Square or existing development in the vicinity of the site.

Impact on residential amenity.

- 7.8. It is of note that the proposed presidential suite will accommodate a bar area which faces onto and accesses a large north facing terrace area with an overall floor area of c. 88sqm. Whilst the provision of a terrace within this floor is acceptable in principle it is considered that the area of this particular terrace is excessive and would have the

capacity to accommodate a significant number of people at one time. The provision of such a facility in combination with the provision of a bar would have the potential to give rise to excessive noise levels at this location adjacent to a significant number of residential apartments to the west and north.

- 7.9. It is considered that a reduced terrace area similar to that proposed to the west of the suite would be more acceptable in this instance. In the interests of residential amenity, it is recommended that the applicant is requested to submit revised plans to the planning authority demonstrating a significantly reduced northern terrace with a depth of no more than 3 metres from the rear building line.

Archaeology

- 7.10. The proposed development is located in a zone of archaeological interest within the Medieval City adjacent to the remnants of the following recorded monuments:

- Dublin City (DU018-02020);
- Church of St. Michael Le Pole Church & Graveyard (DU-018-02082)
- Round Tower site (DU-018:02083)

- 7.11. These monuments have previously been excavated and are preserved in situ. The provision of 2 no. raking columns at ground floor will not encroach on the preservation zone of the above recorded monuments and are considered to be acceptable in this regard. However, given the archaeological importance of this site it is considered that the proposed development whilst acceptable in principle will be subject to archaeological conditions in relation to construction methods in order to protect archaeological material from damage.

Appropriate Assessment

- 7.12. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. It is recommended that permission is granted subject to conditions.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development and the archaeological significance of the site, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. 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. Prior to the commencement of development, the applicant shall submit revised plans to be agreed in writing with the planning authority illustrating a reduced northern terrace within the presidential suite on the 6th floor. The revised terrace shall not exceed 3 metres in depth.

Reason: In order to protect the residential amenities of property in the vicinity

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings 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. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

5. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on

Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the [residential] amenities of property in the vicinity.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

10. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section

49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Sarah Lynch
Planning Inspector

17th December 2018