



Inspector's Report

PL 29S. 227357

Development

Amendments to development previously granted under Reg. Ref. 5392/04 and Reg. Ref. 445/04, comprising 8 additional bedrooms, other amendments and all ancillary site works. (Protected Structure)

Fleet Street Hotel and Café, 19-20 Fleet Street, 10-12 Westmoreland Street and 1-5 Princes Lane, Dublin 2.

Planning Application

Planning Authority: Dublin City Council.

Planning Authority Reg. Ref.: 07/5868.

Applicant: Thedforde Trading Limited.

Type of Application: Planning permission.

Planning Authority Decision: Grant permission.

Planning Appeal

Appellant(s): 1. National Conservation Heritage Group.
2. Save Bewley's Café Campaign Group.
3. An Taisce.

Type of Appeal: Third Party.

Observers: Ann Moroney.

Date of Site Inspection: 1st May 2008

Inspector: Karla Mc Bride.

1.1 Site and location

The appeal site is located in Westmoreland Street on the south side of Dublin City centre and the surrounding area is predominantly commercial in character. The site comprises the former Bewley's Café which fronts onto Westmoreland Street. The appeal premises is bounded to the south by Fleet Street which provides access to Temple Bar and to the west by Price's Lane which links Fleet Street to Aston Quay. The appeal premises is now vacant with hotel use on the upper floors.

Photographs and maps in Appendix 1 serve to describe the site and location in some detail.

1.2 Proposed Development

Planning permission is being sought to carry out the following amendments to the planning permissions granted under Reg. Ref. 5392/04 and reg. Ref. 4445/04:

- Provide 8 additional bedrooms at first and second floor.
- Amendments to the Fleet Room at ground floor to include:
- Removal of existing modern entrance lobby,
- Repositioning of lift doors,
- New café counter/food hoist to reconfigured basement service area (with new pavement keg drop),
- New check-in counter,
- Protective glazing and new opening sub-frames to Fleet Street windows,
- Protective glazing and new opening sub-frames to Price's Lane windows to form a new entrance off Price's Lane,
- Change of use of part of ground floor area and mezzanine to retail linked to the café and to a dedicated entrance off Price's lane.
- Amended signage to Fleet Street and Westmoreland Street.
- Appeal premises designated as a Protected Structure.
- Conservation Report submitted which outlines the history of the buildings since the late 18th Century.

1.4 Planning Authority's Decision

The Planning Authority decided to grant planning permission subject to 18 conditions.

- Condition no.2 placed restrictions on the retail use in line with the O'Connell Street ACA. 2001 and the Special Scheme of Planning Control, 2003.
- Condition no.3 required the retention of all existing signage to Westmoreland Street and Fleet Street.

This decision reflects the report of the County Planning Officer.

The Drainage Department had no objection subject to compliance with the conditions attached to Reg. Ref. 5392/04.

The City Archaeologist had no objection subject to conditions.

The City Conservation Officer had no objection to the proposed window alterations and recommended the retention of the original signage.

No Roads or Water Services reports on file.

Submissions:

A total of 7 letters of objection received from Dublin residents, An Taisce and the Save Bewleys Café Campaign who raised concerns in relation to:- civic and cultural importance; loss of café to retail contrary to the ACA and SPCS, conflicts with PL29S.210915 and detrimental to character and regeneration of the area; alterations to stained glass windows would alter the character of the PS; alterations to Fleet Room appear to facilitate a new hotel lobby and loss of historic signage.

1.5 Planning history

Reg. Ref. 5391/04: PP granted for refurbishment, extension and part change of use of the existing hotel and café at Bewleys (PS). ABP issued a split decision following a Third Party appeal under PL 29S. 210915.

PP granted for:

- The refurbishment/minor alterations to existing hotel rooms and common areas, conversion of existing reception at first floor to bedrooms, additional infill bedrooms on third and fourth floor roof areas at rear of Price's Lane, rationalisation and enclosure of existing rooftop ventilation services and removal of existing modern mezzanine level, subject to conditions.
- Condition no.4 required the relocation and protection of the existing Pauline Bewick stained glass window.
- Condition no.5 required details of proposed external finishes to new third and fourth floor extension to Price's Lane.

PP refused for:

- The relocation of the reception area and restaurant and new cocktail bar to the ground floor café rooms, with new café entrance, canopy and additional street lighting onto Price's Lane, new accessible ramp and café tables on Fleet Street pavement outside main entrance, minor facade alterations to Price's Lane and removal and change of use of existing ground floor front servery area (to Westmoreland Street) from café to retail shop, with dedicated link to rear service area on Price's Lane. PP refused for reasons related to:
- Located in Z5 zone which seeks to consolidate and facilitate the development of the central area, within an ACA and a SPCS which contains provisions related to uses of Protected Structures and non-complimentary retail uses.
- Having regard to the historic character of the building, and by reason of severing the historic connection between those parts of the premises on Westmoreland Street and on Fleet Street /Price's Lane resulting in a loss of the

café presence on Westmoreland Street and the degree of alterations and interference with the historic interiors of the Fleet, Middle and Garden Rooms, not in accordance with the objectives of the SPCS, adverse impact on character of Protected Structures an conflict with zoning objective.

- ABP considered that the proposed relocation of the hotel reception, restaurant, etc. areas to the ground floor acceptable in principle provided it did not involve the severance of the premises on Westmoreland Street and the loss of the café presence on the street, and that the proposals were designed in accordance with conservation principles on the basis of retaining the historic character and ambience of the long established café use.

2.0 NATIONAL POLICY

2.1 The Architectural Heritage Protection Guidelines for PAs (2004)

These Guidelines set out detailed guidance and conservation principles in relation to proposed works to Protected Structures.

Section 7.3 refers to keeping a building in use, the original use for which a structure was built will be the most appropriate, despite the need for modern adaptations it is important that the special interest of the structure is not unnecessarily affected, and “where a change of use is approved, every effort hold be made to minimise change to, and loss of, significant fabric and the special interest of the structure should not be compromised.”

3.0 DEVELOPMENT PLAN

Zoning objective: The site is located within an area zoned with the objective “Z5” which seeks “To consolidate and facilitate the development of the central area and to identify, reinforce and strengthen and protect its civic design ad character” in the 2005-2011 City Development Plan.

Record of Protected Structures: Nos. 10-12 Westmoreland Street and nos. 20-21 Fleet Street.

Zone of Archaeological Potential: site located within the zone of constraint for Recorded Monument, DU018 020.

Policy and objectives:

The site is covered by a Variation to the Development Plan in respect of a new paragraph and Policy H6A in the Heritage chapter which was adopted in September 2005.

Para. 10.1.7A

- Changes of use to Protected Structures where existing or last use is an intrinsic aspect of those premises.

Policy H6A:

- It is the policy of the Council to encourage the protection of the existing or last use of premises listed as on the record of Protected Structures where that use is considered to be an intrinsic aspect of the special social, cultural and/or artistic interest of those premises.
- It will be the policy of the Council in considering applications for planning permission in respect of a change of use of any such premises to take into account as material consideration the contribution of the existing and/or artistic interest of those premises and /or whether the new use would be inimical to the special interest identified.

Objective 15.10.1: states that in considering applications for alterations and/or additions to a PS, the Planning Authority shall have regard to:

- The protected status of the structure and the need to protect its special character and to ensure its continued structural stability.
- The various elements of the structure which give the protected structure its special character and how these would be impacted on by the proposed development.
- The extent of intervention and alterations which are proposed and which have already taken place excluding any unauthorized development.

An application for development within the curtilage of a PS should include an historical appraisal setting out the potential impact on the character and setting of the PS.

Policy H13: states that it is the policy of the Council to protect and enhance the character and historic fabric of conservation areas in the control of development.

O'Connell Street Architectural Conservation Area (2001)

Section E states that there will be a strong assumption in favour of granting permission for high order retail outlets at ground floor level.

Land use policies for 1/8 Lower O'Connell Street also apply to Westmoreland Street.

Special Planning Control Scheme O'Connell Street ACA (2003).

This Scheme introduced land use planning controls to restrict the normal change of use regulations for a shop so that they do not allow for change of use to lower order use such as a newsagent/convenience store, supermarket, off licence or sex shop, and conditions may be attached to any grant of permission in this regard.

Retail framework Strategy (2006):

This Strategy identifies that there is a lack of strong retail links between the prime retail areas of Henry and Grafton Street, particularly along the O'Connell Street-Westmoreland Street. It is a key objective to strengthen the north south retail areas to create a more cohesive and integrated retail core and to promote the development of sites located on and to the east of Westmoreland Street and O'Connell Street.

4.0 APPEAL

4.1 Summary

There are three Third Party appeals in relation to this application from the Save Bewleys Cafes Campaign, An Taisce and the National Conservation Heritage Group. Their collective concerns are summarised below.

- Bewleys café is of historical, cultural, artistic, civic and tourist significance.
- Oppose change of use of the Westmoreland Street section from café to retail.
- Proposal conflicts with previous ABP decision in relation to change of use for ground floor at Westmoreland Street from café to retail.
- The proposed alterations to the Fleet Room indicate that the use will be changed from a café to a reception area for the hotel (which is currently on the first floor).
- Lack of clarity in the proposed entrance arrangements to the Fleet Room Café and the Price's Lane frontage.
- Concerned about the proposals for the stained glass windows on Fleet Street, no need for them to open inwards.
- Oppose removal of Bewleys name from signage.
- Contrary to ACA, SPCS and Policy H6A.
- Bewleys represents an alternative to the many alcohol based premises in the surrounding area.
- Several low order retail units and pubs in the vicinity.
- Price's Lane is an inappropriate and dangerous location for an entrance.
- Approximately 25,000 people signed the Save Bewleys Café petition.

4.2 First Party response submission to Third Party appeals.

The First Party, in a letter received from Manahan Planners on 18/02/08 stated the following in response to the Third Party appeal by the National Conservation Heritage Group and the Save Bewleys Cafes Campaign.

- It was a condition of sale that the Bewleys name could not be used.
- Plaque which identifies the premises as the site of the former Bewleys Café could be erected.
- Market conditions have changed and there are many cafes in the city centre.
- The Save Bewleys Cafés Campaign have a longing for a bygone era.
- The function of the planning system is to preserve and protect structures worthy of protection, where a use is no longer viable it is not a function of the planning system to require that the building remain vacant until the original use is re-instated.

The First Party, in a second letter received from Manahan Planners on 21/02/08 stated the following in response to the Third Party appeal by An Taisce.

- The use of clear glass at the Fleet Street windows will provide a view and protect from the weather.
- The main entrance will be from Fleet Street and not Price's Lane which will access onto a paved area with tables.
- Proposal will provide for an improved entrance off Fleet Street to the café and hotel and for alterations to internal lobby and lift arrangements.
- Proposed change of use from café to high order retail at Westmoreland Street will allow visual and functional linkage with the Fleet Room and Price's Lane.
- Proposed changes are consistent with planning policies and objectives, proposal compiles with ABP's previous decision and it offers an alternative viable use for the city centre.
- Condition no.3 in respect of signage is unachievable and a rewording is requested (condition of sale that the Bewleys name could be not be used.).

4.3 Observers.

One letter of Observation from Ann Moroney who raised the following concerns.

- Proposal in conflict with previous ABP decision in relation to change of use from ground floor café and servery to retail for historical reasons.
- The O'Connell Street ACA reinforces the importance of cafes in regenerating Westmoreland Street.
- The Fleet Room cannot function as a public café as there are no separate dining arrangements for the hotel.
- The proposed alterations to the Fleet Room indicate that the use will be changed from a café to a reception area for the hotel (which is currently on the first floor).
- Proposal is almost similar to the 2005 application.

4.4 Further correspondence

The National Conservation Heritage Group, in letters received by An Bord Pleanála on 28/01/08 and 30/01/08 stated their support for the comments made by the Save Bewleys Café Campaign and An Taisce.

4.5 City Council Response submissions

No response to date.

5.0 REVIEW OF ISSUES AND ASSESSMENT

The main issues arising in this case are compatibility with Development Plan zoning objective, heritage/ACA/SPCS; design/layout/signage, other element and development contributions.

5.1 Development Plan zoning objective.

The proposed development would be located within an area zoned for “Z5” which seeks “to consolidate and facilitate the development of the central area and to identify, reinforce and strengthen and protect its civic design and character” in the current Development Plan. The proposed development is compatible with this objective.

5.2 Architectural heritage policies/ACA/SPCS/RS

The appeal premises comprises a Protected Structure, which is of historic, artistic and cultural importance, it is located within an Architectural Conservation Area which is also covered by the provisions of the O’Connell Street Special Planning Control Scheme, which sets high standards in terms of design and use for all development within its boundaries, and the area is subject to the Council’s Retail Strategy.

The importance of retaining a café use on the ground floor of this premises, with access off Westmorland Street, was re-enforced by a decision of ABP under PL 29S 210715, when planning permission was refused for the change of use of the ground floor from café to retail use with new entrances off Price’s Lane.

Since the above decision was made, the Council adopted Policy H6A by way of a Variation of the Development Plan. This policy seeks to encourage the protection of the existing or last use of Protected Structures where that use is considered to be an intrinsic aspect of the special social, cultural and/or artistic interest of the premises.

It is now proposed to change the use of most of the existing ground floor café to retail use and retain the south eastern section as the Fleet Room café with two new entrances off Price’s Lane.

The Planning Authority decided to grant planning permission subject to Condition no.2 which placed restrictions on the retail use. This condition seeks to provide for high order retail uses to strengthen the links between the Henry Street and Grafton Street prime retail areas, in line with the O’Connell Street ACA and Special Scheme of Planning Control.

Under the current proposal, the café presence on Westmoreland Street would be lost. The two existing internal screened entrances to the Fleet Room from the Middle Room via the Westmoreland Street entrance would be retained. However the eastern most entrance is in the vicinity of the proposed relocated reception/check-in desk which is unacceptable in term of permeability. I am not convinced that there would be a logical accessible link between Westmoreland Street and the Fleet Room café.

Based on the information provided and having regard to the characteristics of the appeal premises, the Council’s objectives for Protected Structures and the surrounding area, and the Board’s previous decision, the proposed development would result in the loss of a long established café presence within a Protected Structure on Westmoreland Street, which would be contrary to the proper planning and sustainable development of the area.

5.3 Design/layout/windows/signage

Westmoreland Street:

It is proposed to retain the existing façade at Westmoreland Street which is acceptable and replace the existing modern signage with new signage. Although the Planning Authority required the retention of the original Bewleys signage under Condition no.3 there appears to be legal difficulties in respect of the sales agreement and use of the Bewleys name, however this is civil matter for the applicants to resolve.

Fleet Street/Prices Lane:

It is proposed to retain the existing façade and signage at Fleet Street which would be covered with a new non-illuminated sign. Although the Planning Authority required the retention of the original Bewleys signage under Condition no.3 there appears to be legal difficulties as outlined above.

It is proposed to carry out substantial alterations to the main stained glass windows at Fleet Street which would allow them to open inwards. The original stained glass windows would be deglazed into a new slim steel subframe, with open sections to allow views into the Fleet Room café. New toughened glass would be fixed into the original frame. The small upper level stained glass windows would remain unaltered.

It is proposed to retain the existing façade and introduce two new doors to the Fleet Room café off Price's Lane. The first door would comprise a new "winter" door in place of two existing small windows and the second would entail substantial alterations to the existing stained glass windows to provide a "summer" door. The existing windows would be repositioned into a new steel frame to allow for it to open and the windows underneath would be replaced with solid opening panels. The small upper level stained glass windows would remain unaltered.

The stained glass windows are an integral component of the Protected Structure and they are inherently fragile and easily damaged particularly if subjected to repeated movement which could dislodge the glass from the lead. In my opinion and based on the information provided, the proposed alterations to the windows would seriously compromise the stability of the windows and the integrity of the Protected Structure.

Internal Layout:

It is proposed to change the use of most of the existing ground floor café to retail use and retain the south eastern section as the Fleet Room café. There are no details of the proposed internal layout of the retail element.

The existing hotel reception/check-in area and office are located in the south western corner of the Fleet Street section and the entrance to the hotel lift opens onto the Fleet Street lobby (Drg. No.2277-EH-13). Under the current proposals, the hotel reception/check-in area and office the would be relocated to the north west corner of the ground floor Fleet Room café in the vicinity of the proposed café entrances off Price's Lane and the internal entrance to the café from the proposed retail area (Drg. No.2277-0010/0050). This drawing also indicates that the lift to the upper floor hotel bedrooms would be altered to open into the Fleet Room café. The submitted plans do not indicate a separate, private dining area for the hotel and having regard to the above, it would appear that the Fleet Room café would function as an integral part of the hotel and not as a separate or independent café. Drg. No.2277-HIST-21 indicates that the proposed entrance off Price's Lane would provide access to the hotel public areas.

The previous layout under Reg. Ref. 5391/04 (PL 29S. 210915) also proposed a reception area for the Fleet Room with a hotel entrance off Price's Lane (Drg. No. 2277-PLL-11). However the ABP refused planning permission for the proposed relocation of the reception area to the ground floor café rooms and a new café entrance, canopy and additional street lighting onto Price's Lane. The Board considered that the proposed relocation of the hotel reception to the ground floor acceptable in principle provided it did not involve the severance of the premises on Westmoreland Street and the loss of the café presence on the street.

I also have concerns about the suitability of Price's Lane for tables and chairs having regard to the narrow width of the lane and footpath and the predominant use of the lane for delivery vehicles.

5.4 Other elements.

The proposed additional hotel bedrooms at first and second floor level are considered acceptable.

The proposed alterations comprising the removal of the modern entrance lobby, new café counter/food hoist to reconfigured basement service area and new pavement keg drop are considered acceptable.

5.5 Development contributions.

The appeal premises is located within an area subject to a Section 49 Development Contribution in respect of Metro North.

6.0 RECOMMENDATION

Arising from my assessment of the appeal case I recommend that planning permission should be refused for the proposed development for the reasons and considerations set down below.

REASONS AND CONSIDERATIONS

1. Having regard to:

- The location of the proposed development within an area covered by the Z5 zoning objective which seeks to consolidate and facilitate the development of the central area, within an Architectural Conservation Area, an area covered by a Special Planning Control Scheme which contains provisions related to the use of Protected Structures and the provisions of Policy H6A of the current Development Plan which seeks to encourage the protection of the existing or last use of Protected Structures where that use is considered to be an intrinsic aspect of the special social, cultural and/or artistic interest of the premises;
- The historic character of the building, the scale of the proposed change of use of the ground floor café to retail use, the severance of the historic connection between those parts of the premises on Westmoreland Street and on Fleet Street /Price's Lane resulting in a loss of the café presence on Westmoreland Street, the degree of alteration and interference with the historic stained glass windows at Fleet Street and Price's Lane, the relocation of the hotel reception area to the ground floor café rooms and the two new café entrances onto Price's Lane;

the proposed development would not be in accordance with the objectives of the Architectural Conservation Area and the Special Planning Control Scheme, it would be contrary to Council Policy H6A and it would have an adverse impact on the character of the Protected Structures. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Karla Mc Bride

Senior Inspector

14th May 2008