

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 2045/16

An Bord Pleanála Reference Number: PL 29S.247635

APPEAL by Barry Chambers of 2 Grantham Street, Dublin and by J.D. Wetherspoon PLC care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 28th day of October, 2016 by Dublin City Council to grant subject to conditions a permission to the said J.D. Wetherspoon PLC in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Refurbishment/alterations and change of use of existing buildings on the site and construction of new buildings to the rear to provide a hotel development (98 bedrooms) with ancillary public restaurant/bar (circa 896 square metres) and associated ancillary uses. The overall building will comprise of a gross floor area of circa 6,164 square metres, of which circa 2,539 square metres is accommodated within the existing buildings and circa 3,625 square metres is new build. The extent of development now proposed has been previously established in principle on this site by development permitted under planning register reference number 3316/13 (An Bord Pleanála appeal reference number PL 29S.243008). Numbers 1 to 5 Camden Street Upper and numbers 50 and 51 Camden Street Lower are Protected Structures. The refurbished existing frontage buildings incorporating numbers 1, 2, 3, 4 and 5 Camden Street Upper and numbers 49, 50 and 51 Camden Street Lower contain 34 bedrooms and involve internal reconfiguration and works to include repair and replacement (where necessary) of existing windows and doorframes/entrances and railings to the front. The frontage buildings which are to change to hotel and ancillary

public bar/restaurant use are currently arranged as follows- numbers 4 and 5 Camden Street Upper (former stain glass manufacturers, now vacant), numbers 2 and 3 Camden Street Upper (formerly commercial offices, now vacant), numbers 1, 49 and 50 Camden Street Upper and Camden Street Lower (formerly hotel/commercial and hostel), number 51 Camden Street Lower (formerly residential over ground floor commercial, now vacant). 36 number new interconnectors are proposed over four levels (lower ground floor to second floor) between the existing buildings along Camden Street Upper and Lower, which will mean that the eight buildings fronting Camden Street Upper/Camden Street Lower will be interconnected. The main entrance to the hotel and bar/lounge area is proposed at number 49 Camden Street Lower. The development involves works and change of use of the chapel building (recent use as a gym/boxing club) and associated annexes to the rear of numbers 49 and 50 Camden Street Lower to accommodate the hotel restaurant and ancillary areas. A second entrance and the hotel reception is proposed at number 4 Camden Street Upper with associated residents lounge, luggage room and store at number 5 Camden Street Upper. The new build element is located to the rear and is located to the north and south of existing chapel building with a new link building connecting to the rear of number 49 Camden Street Lower. Two new external landscaped courtyard spaces are provided on either side of the link building to the rear of numbers 1 to 5 Camden Street Upper and numbers 50 and 51 Camden Street Lower respectively. The new building contains 64 bedrooms, bar/restaurant space and ancillary accommodation over four levels (including a lower ground floor level). The new buildings are stepped back from the site boundary on Grantham Place and the internal courtyard and the new building line is also set back from the existing site boundary on Grantham Place. No on-site car parking is proposed. Vehicular access/egress for the purpose of deliveries and servicing will be via Grantham Place and include an off-street loading area. 10 number cycle parking spaces are provided off Grantham Place. Works to the rear of the existing front buildings (numbers 1 to 5 Camden Street Upper and numbers 49 and 51 Camden Street Lower) will include demolition of remnants of existing extensions and existing lift shaft, repair/replacement of windows and cleaning and repointing of brickwork as required. With the exception of the chapel which is to be refurbished, a number of existing buildings on Grantham Place (including the property known as 12 Grantham Place and structure annexed to the chapel located to the rear of 50 and 51 Camden Street Lower) are to be demolished. A new ESB sub-station is contained within the new building at ground floor level with a proposed independent access from Grantham Lane. Permission is also sought for landscaping roof plant, signage and all ancillary and associated development works, all on lands (circa 0.256 hectares) at numbers 1, 2, 3, 4 and 5 Camden Street Upper and numbers 49, 50 and 51 Camden Street

Lower and all associated sites to the rear addressing Grantham Place, Dublin (including 12 Grantham Place). Numbers 1, 2, 3, 4 and 5 Camden Street Upper and numbers 50 and 51 Camden Street Lower are Protected Structures.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the nature, scale and design of the proposed development, to the planning history of the site and the pattern of development in the area; to the provisions of the Dublin City Development Plan 2016-2022; to the comprehensive nature of the proposed development which includes the refurbishment and provision of a sustaining land use for each of the floor levels of the following historic buildings:- numbers 1, 2, 3, 4 and 5 Camden Street Upper, numbers 49, 50 and 51 Camden Street Lower and a former chapel building to the rear of the site, all of which, excepting number 49 Camden Street Lower and the chapel building, are designated as Protected Structures, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the character or architectural significance of the historic buildings on site or within the vicinity of the site, would not diminish the setting as part of a Conservation Area, Character Area and Key Historic Main Route, would not seriously injure the amenities of properties in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendations with regard to the amendments to the Lower Ground Floor Area south west block and to its decision to omit conditions numbers 3 and 4, the Board considered that the scheme as amended at further information stage on the 3rd day of October, 2016 represented an appropriate and measured design response to the site context and was justified based on operational grounds and concluded that the proposed layout was in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 3rd day of October 2016 and by the further plans and particulars received by An Bord Pleanála on the 24th day of November, 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to the proposed hotel with ancillary restaurant/bar use, unless otherwise authorised by a prior grant of planning permission.

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

3. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority revised drawings showing the following alterations:
 - (a) Demolition of the wall of room G21 as indicated on drawing number PL78 shall be omitted (the wall between the room G21 and G19/G18) and the ope between G21 and G24 shall be reduced in size.
 - (b) The interconnection of numbers 50 and 51 Camden Street Lower shall be omitted at ground floor level and these may be used as own door meeting rooms.
 - (c) The interconnection between number 1 Camden Street Upper and 49 Camden Street Lower shall be reduced in width to a smaller ope.
 - (d) The ope between room G1 and G7 shall be omitted (as labelled on drawing number PL78).

Reason: To reduce the level of new interconnections and to protect the plan form.

4. Prior to commencement of development, the developer shall make a record of the existing Protected Structure. This record shall include:-
 - (a) a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure, and
 - (b) a detailed, labelled, photographic survey of all internal rooms (including all important fixtures and fittings), the exterior and the curtilage of the building.

This record shall be submitted to the planning authority prior to commencement of development and one copy of this record and a full set of drawings of the proposed works to the Protected Structure shall be submitted to the Irish Architectural Archive.

Reason: In order to establish a record of this Protected Structure.

5. All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and in the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011 and be supervised by a Grade 1 RIAI qualified conservation architect (or equivalent). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

6.
 - (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric. A Conservation Method Statement shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
 - (b) A schedule of urgent remedial works to stabilise the Protected Structures/historic structures shall be approved by the conservation expert on site and in writing with the planning authority and implemented at the outset of development. To this end the condition of the historic fabric to the Protected Structure/historic structure shall be reviewed in accordance with best conservation practice.
 - (c) Any repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

- (d) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings), staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.
- (e) Details of all works to the exterior and interior of Protected Structures on site including basement and roof structures, including structural modifications and the provision of modern services in order to make it suitable for the proposed hotel use shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include plans showing a reduction in the number of interconnections proposed, to protect plan form. The methodology for these works shall be in accordance with best conservation practice and shall comply with the requirements of the planning authority.
- (f) Details of the treatment of and linkages to the former chapel building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and the methodology for this intervention, including the retention of all original features shall be in accordance with best conservation practice and shall comply with the requirements of the planning authority.
- (g) Details of all works for the retention of the historic doorway/entrance/lobby to number 4 Camden Street Upper and circular stain glass window at ground floor level of number 5 Camden Street Upper, for the decorative glazed mezzanine stairwell windows and for the decorative glazed windows in the former chapel building shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The methodology for these works shall be in accordance with best conservation practice and shall comply with the requirements of the planning authority.
- (h) Details of all works and the methodology for the proposed works for the retention of the Georgian doorways and fanlights in the Protected Structures fronting Camden Street shall be in accordance with best conservation practice and shall comply with the requirements of the planning authority.

- (i) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric, and reference is made in particular to the external stone work and replacement windows. Full repair and reinstatement schedules (condition surveys, specifications and methodologies) shall be submitted to and agreed in writing with the planning authority prior to commencement of development to avoid loss or damage to original fabric and ensure that the character of this protected structure in the streetscape is not altered.
- (j) Samples of materials and site exemplars of site workmanship with respect to repairs and restoration to be carried out shall be submitted where deemed necessary by the planning authority.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

7. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of all external finishes, materials, treatments and colours for the historic buildings to be retained on site and for the proposed new building addressing Grantham Place. These details shall include the following:
- (a) Sample panels to be placed on site of the proposed external finishes.
 - (b) Door and window opening treatments including frames and fenestration design where replacement doors and/or new openings are proposed for the historic buildings on site.
 - (c) Roof materials, balconette railings, front boundary railings and posts, any hard surfacing modifications in the semi-private domain aligning with Camden Street.
 - (d) Details of ground and basement treatment of number 49 Camden Street including associated hotel signage.
 - (e) Details of external extraction, ventilation and any associated external lift equipment.

- (f) Details of all lighting to Camden Street, Grantham Place and the internal courtyards. The latter shall include appropriate measures to mitigate light over-spilling onto adjoining properties on either side.
- (g) Details of all surfacing to be provided within the courtyard areas. The latter shall incorporate best practice sustainable urban drainage systems and include some measures to interpret and make reference to historical plot boundaries associated with the Camden Street terrace group.

The developer shall note that construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and be of a high quality respective of their context. Construction materials that require a high level of maintenance shall be avoided.

Reason: In the interest of visual amenity, in the interest of orderly development and in the interest of protecting the setting of Protected Structures and historic buildings on site.

- 8. In relation to archaeology, no construction or site preparation work shall be carried out on the site until all archaeological requirements of the planning authority are complied with.
 - (a) An archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations, for example. boreholes and engineering test pits, shall be carried out as soon as possible and before any site clearance/construction work commences. The assessment shall be prepared by a suitably qualified archaeologist and shall address the following issues.
 - (i) The archaeological and historical background of the site, to include industrial heritage.
 - (ii) A paper record (written, drawn, and photographic, as appropriate) of any historic buildings and boundary treatments.
 - (iii) The nature, extent and location of archaeological material on site by way of archaeological testing and/or monitoring of the removal of overburden.

- (iv) The impact of the proposed development on such archaeological material.
- (b) The archaeologist shall forward their Method Statement in advance of commencement to the planning authority.
- (c) Where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist which shall include specific information on the location, form, size and level (corrected to Ordnance Datum) of all foundation structures, ground beams, floor slabs, trenches for services and drains. The assessment shall be prepared on the basis of a comprehensive desktop study and, where appropriate/feasible, trial trenches excavated on the site by the archaeologist and/or remote sensing. The trial trenches shall be excavated to the top of the archaeological deposits only. The report containing the assessment shall include adequate ground-plan and cross-sectional drawings of the site, and of the proposed development, with the location and levels (corrected to Ordnance Datum) of all trial trenches and/or bore holes clearly indicated. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report.
- (d) No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the planning authority in advance regarding the procedure to be adopted in the assessment.
- (e) A written and digital report (on compact disc) containing the results of the archaeological assessment shall be forwarded on completion to the planning authority. The planning authority (in consultation with The National Monuments Service, Department Arts, Heritage, Regional, Rural and Gaeltacht Affairs, shall determine the further archaeological resolution of the site.
- (f) The developer shall comply in full with any further archaeological requirement, including archaeological monitoring, and if necessary archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement.

- (g) The developer shall make provision for archaeological excavation in the project budget and timetable.
- (h) Before any site works commence, the developer shall agree the foundation layout with the planning authority.

Following submission of the final report to the planning authority, where archaeological material is shown to be present. 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.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

- 9. (a) Notwithstanding the provisions of the Planning and Development Regulations, 2001, as amended, no further structures (including lift structures), plant, antennae, lift motor rooms, air handling equipment, storage tanks, railings or other external plant shall be erected on the roofs unless authorised by a prior grant of planning permission.
- (b) The proposed lifts shall be situated within the new build only.
- (c) All plant and equipment shall be fitted with appropriate noise and vibration attenuation measures. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and orderly development.

- 10. No signage, advertising structures/advertisements, security shutters, lighting or other projecting elements, including flagpoles, 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 or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

11. (a) Prior to the occupation of the development, a Servicing Management Plan shall be submitted to and agreed in writing with the planning authority.
- (b) Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to and agreed in writing with the planning authority. 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.
- (c) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (d) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: To ensure a satisfactory standard of development.

12. (a) There shall be no music within the external areas or directed into the external areas of the premises.
- (b) The external courtyards shall be acoustically treated as per paragraph 5.2 of the AWN Noise Impact Assessment, reference RM/16/8949NR01 submitted to the planning authority on the 3rd day of October, 2016. An assessment shall be carried out within six months of the premises opening, at an appropriate time and under appropriate conditions, to ensure that the measures taken are adequate to prevent noise nuisance at the neighbouring domestic dwellings.
- (c) Waste, including glass, shall only be collected from the premises between 0800 hours and 1800 hours Monday to Friday and on Saturdays between 0900 hours and 1800 hours.
- (d) Deliveries to the premises shall only be made between the following times; Monday to Friday 0800 hours to 1800 hours, Saturday 0900 hours and 1800 hours, Sundays 1000 hours and 1800 hours.

- (e) A noise mitigation plan shall be drawn up and submitted to the planning authority, prior to the commencement of use, detailing the measures that will be taken to minimise delivery noise. The plan shall include information on the types of vehicles to be used and how refrigeration and engine noise will be dealt with.
- (f) The cumulative noise level of all plant and equipment used on site shall not exceed 40dB LAeq(1 hour) when measured at any neighbouring noise sensitive dwelling.
- (g) Glass and empty beer kegs shall not be handled in any external areas (except for the designated interior courtyards) between 1900 hours and 0800 hours.

Reason: In order to ensure a satisfactory standard of development, in the interest of residential amenity.

13. (a) No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of planning permission.
- (b) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, details of proposed screening to the proposed plant.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

14. No music or other amplified sound shall be emitted to the public street or broadcast in such a manner as to cause nuisance to the occupants of nearby properties.

Reason: To safeguard the amenities of the area and in the interest of orderly development.

15. The restaurant in the former chapel shall only be used as a licensed restaurant/café and shall not be used as a public bar, dance hall or nightclub, save with a prior grant of planning permission. In particular, the restaurant in the old chapel shall be used primarily for the consumption of food in association with the proposed restaurant use and shall not be provided with speakers or amplified music.

Reason: In order to preserve the amenities of neighbouring residential occupiers and in the interest of clarity and consistency.

16. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

17. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.