

An
Coimisiún
Pleanála

Commission Order
ABP-322054-25

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB2706/24.

Appeal by JD Wetherspoon PLC care of Brock McClure Planning and Development Consultants of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 13th day of February 2025, by Dublin City Council, to refuse a permission for the proposed development.

Proposed Development: The development consist of the following: The construction of a partially enclosed pavilion area (52 square metres) located 18.71 metres from the existing southern boundary wall to Courtyard 1 with an acoustic glass screen (circa four metres in height, circa 8.2 metres wide are circa 52.5 millimetres thick glass) fixed to the pavilion and wall at an angle with an acoustic quilt (100 millimetres) installed under the roof steel beam frame of the pavilion. Construction of an acoustic glazed low-level structural wall and frame (circa 3.58 metres in height and circa 8.5 metres wide) facing the south side boundary of the courtyard, to prevent patron access to southern end of the external courtyard. Construction of two number external canopies located either side of the pavilion, with an uncovered patron smoking area (105 square metres) to the northern end of Courtyard 1. A green roof system above the pavilion (48 square metres), including acoustic glass

skylights, on lands at Keavan's Port, 1-5 Camden Street Upper and 49-51 Camden Street Lower, Dublin. Number's 1, 2, 3, 4 and 5 Camden Street Upper and Number's 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.

Reasons and Considerations

Having regard to the location and nature of the site, a courtyard serving a permitted hotel, it is considered that the proposed works are modest in scale and, due to the sensitive design do not detract from the setting of the protected structures. The Commission were satisfied, having considered the totality of the information on the file including both the Applicants and the Observers noise experts reports, that the proposed works, in combination with the other mitigation measures and subject to compliance with the conditions below, would address the issue of noise and its impact on the amenity of the adjoining property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise 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: To clarify the plans and particulars for which permission is granted.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference number 2045/16 (appeal reference (ABP) 29S.247635) and as amended by planning authority Register Reference number 3351/220 unless the conditions set out hereunder specify otherwise.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. (a) All recommendations within the acoustic report submitted by the applicant shall be implemented in full prior to the commencement of any use. These works will be subject to inspection from the Planning authority, the arrangements for this site inspection shall be agreed in writing with the planning authority prior to the commencement of works on site.
- (b) Further acoustic monitoring must be carried out post commencement of the use of the beer garden (Courtyard 1) to ensure the patron noise levels projected within the acoustic report are complied with. This acoustic monitoring shall be carried out at intervals to be agreed with the planning authority, and the results of same shall be submitted to the planning authority.
- (c) Monitoring of the noise shall be carried out at the developer's expense by an independent contractor who shall be agreed in writing with the planning authority. All monitoring records shall be made publicly available.

Reason: To protect residential amenity

4. The developer shall submit, for the written approval of the planning authority, the operational noise management policy and an implementation plan for same (referred to in Wave Dynamics report submitted with the application). This shall include the details in the planning report, submitted with the application, for the customer management plan. The implementation plan shall include a mechanism for corrective action if exceedances occur.

Reason: To protect the residential amenity

5. The use of the beer garden space (Courtyard 1) by patrons will be restricted to between 1000 hours and 2300 hours.

Reason: To protect residential amenity

6. The capacity of Courtyard 1 shall be limited to 135 persons.

Reason: In the Interest of clarity

7. Access to the Ornament Garden (the Courtyard area between the pavilion structure and the southern boundary of Courtyard 1) shall be limited to staff as set out in the details submitted with the application.

Reason: In the interest of clarity.

8. There shall be no music within the area the subject of this application or directed into this external area.

Reason: In the interest of clarity.

9. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

10. (a) Noise resulting from use of the southern courtyard area arising from the commercial use of the hotel, its public house and restaurant affecting nearby noise sensitive locations shall not exceed the background level (as defined by B. S. 4142:2014) by 10 dB(A) or more or exceed the limits below, whichever is lesser as measured from the facade of the nearest noise sensitive locations.

In this regard:

- (i) Daytime (0700-1900) 55 dB LAr, T (60 min).
- (ii) Evening (1900- 2300)- 50 dB LAr, T(60 min).
- (III) Night-time (2300- 0700)- 45 dB LAr, (60 min).

Clearly audible and impulsive tones at noise sensitive locations during the evening and night shall be avoided irrespective of noise sensitive level.

- (b) There shall be no outbreak of amplified music from any activities, at nearby noise sensitive locations.
- (c) Prior to the operation of the courtyard all noise mitigation measures specified in the plans and the noise impact assessment shall be constructed and completed in accordance with the proposed scheme.

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

11. Prior to the commencement of development on the Protected Structure the developer shall submit for the written agreement of the planning authority confirmation that:

- (a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation and
- (b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

Reason: In the interest of the protection of architectural heritage (in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities)

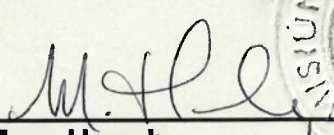
12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 Coimisiún 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.

13. The developer shall pay to the planning authority a financial contribution in respect of the 'LUAS Cross City Scheme' 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 Coimisiún 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.


Mary Henchy

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 14th day of July 2025.