



An
Bord
Pleanála

Inspector's Report PL29S.247635

Development	Change of use of buildings and erect new buildings for hotel with bar/restaurant. (Protected Structure)
Location	1-5 Upper Camden Street & 49-51 Lower Camden Street & Grantham, Dublin 2.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2045/16
Applicant(s)	JD Wetherspoon plc
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party against conditions Third Party
Appellant(s)	1) JD Wetherspoon plc 2) Barry Chambers
Observer(s)	1) Derek Tynan 2) Suzanne Willoughby 3) Peter O'Reilly 4) Enid O'Dowd
Date of Site Inspection	2 nd March 2017
Inspector	Angela Brereton

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	7
3.1. Decision	7
3.2. Planning Authority Reports	8
3.3. Other Technical Reports	13
3.4. Prescribed Bodies	14
3.5. Third Party Observations	14
4.0 Planning History.....	15
5.0 Policy Context.....	16
5.1. Dublin City Development Plan 2016-2022	16
5.2. Architectural Heritage Protection – Guidelines for Planning Authorities, 2004	
6.0 The Appeal	20
6.1. Grounds of Appeal	20
6.2. Planning Authority Response	25
6.3. Third Party Response to First Party Appeal	25
6.4. Applicant Response	26
6.6. Observations.....	28
7.0 Assessment.....	31
7.1. Principle of Development and Planning Policy	31
7.2. Background and Justification	33
7.3. Regard to the Permitted and Proposed Development.....	35
7.4. Design and Layout of the Proposed Development.....	38

7.5. Regard to Heritage issues.....	42
7.6. Impact on Heritage.....	45
7.7. Archaeology	50
7.8. Impact on the Character and Amenities of the Area.....	51
7.9. Noise.....	52
7.10. Regard to the Public Bar/Restaurant	53
7.11. Regard to Condition no.3.....	57
7.12. Regard to Revised Design Option.....	59
7.13. Conclusion on Design, Layout and Usage Considerations	60
7.14. Access, Parking and Servicing	62
7.15. Servicing and Deliveries	63
7.16. Construction.....	65
7.17. Drainage	66
7.18. Appropriate Assessment.....	67
8.0 Recommendation.....	67
9.0 Reasons and Considerations.....	68
10.0 Conditions	68

1.0 Site Location and Description

- 1.1. The subject site is located to the south of Camden Street and the junction of Camden Street Upper/Lower and Charlotte Way and backs onto Grantham Place; an old mews lane. The proposed development is on an assembly of sites (c.0.256ha) at No's. 1,2,3,4 and 5 Camden Street Upper and No's 49, 50 and 51 Camden Street Lower and all associated sites to the rear addressing Grantham Place, Dublin 2. No's 1, 2, 3, 4 and 5 Camden Street Upper and No's 50 and 51 Camden Street Lower are all Protected Structures.
- 1.2. A number of buildings on the roughly triangular shaped site have fallen into decay and have experienced a wide range of uses in the past. They are now unoccupied and are particularly internally in an advanced state of decay. The intervening area between the structures on Camden Street and Grantham Place include a former chapel, and its annexes located to the rear of no. 49/50, and a property, 12 Grantham Place, to the rear of no. 51. The remaining backlands are predominantly open yard used for car parking and as a builder's yard.
- 1.3. The proximate land uses include bar and restaurant uses, residential, hotel, retail and a variety of offices and employment centres. Grantham Place to the west is a narrow road which has a predominantly residential character. There are public transport links in the area, with several bus routes along Camden Street.

2.0 Proposed Development

- 2.1. The site is located on Camden Street and is comprised of eight properties, nos. 1-5 Upper Camden Street and nos. 49-51 Lower Camden Street. All of the buildings fronting onto Camden Street are Protected Structures with the exception of no.49 Camden Street Lower. The proposal is to redevelop the site as a modern, purpose built hotel with ancillary bar/restaurant facilities, using and refurbishing the existing structures with a new build hotel extension to the rear of the site alongside Grantham Place. The Public Notices provide a detailed description of the proposed development. This includes the following:
 - Refurbishment/alterations and change of use of existing buildings on the site and the construction of new buildings to the rear to provide a hotel

development (98 bedrooms) with ancillary public restaurant/bar (c.896sq.m) and associated ancillary uses. The overall building will comprise of a g.f.a of c.6,164sq.m, of which c.2,539 sq.m is accommodated within the existing buildings and c.3,625sq.m is new build.

- The extent of development now proposed has been previously established in principle on this site under Reg.Ref.3316/13 & ABP Ref.PL29S.243008.
- The refurbished existing frontage building incorporates nos. 1,2,3,4 and 5 Camden Street Upper and nos. 49,50 and 51 Camden Street Lower (all Protected Structures). This contains 34 bedrooms and involves 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 - No's 4/5 Camden Street Upper (former stain glass manufacturers now vacant), No's 2/3 Camden Street Upper (formerly commercial offices now vacant), No's 1/49/50 Camden Street Upper and Camden Street Lower (formerly hotel/commercial and hostel), No.51 Camden Street Lower (formerly residential over ground floor commercial, now vacant).
- 36no. new interconnections 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 8 buildings fronting Camden Street Upper/Lower will be interconnected. The main entrance to the hotel and bar/lounge area is proposed at no.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 No.49/50 Camden Street Lower to accommodate the hotel restaurant and ancillary areas.
- A second entrance and the hotel reception is proposed at no. 4 Camden Street Upper with associated residents lounge, luggage room and store at no.5 Camden Street Upper.

- The new build element is located to the rear and to the north and south of the existing chapel building with a new link building connecting to the rear of no.49 Camden Street Lower.
- 2 new external landscaped courtyard spaces are provided on either side of the link building to the rear of nos. 1-5 Camden Street Upper and nos. 50/51 Camden Street Lower respectively.
- The new building is to contain 64 bedrooms, bar/restaurant space and ancillary accommodation over 4 levels (including a lower ground floor level). They are to be stepped back from the existing site boundary on Grantham Place, as is the internal courtyard and the new building line.
- No on-site car parking is proposed. 10 no. bicycle space are to be provided off Grantham Place.
- Vehicular access/egress for the purpose of deliveries and servicing is to be via Grantham Place and include an off-street loading area.
- Works to the rear of the existing front buildings (nos.1-5 Camden Street Upper and nose. 49-51 Camden Street Lower) are to include demolition of remnants of existing extensions and existing lift shaft, repairs/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 know as 12 Grantham Place and structures annexed to the chapel located to the rear of 50 and 51 Camden Street Lower) are to be demolished.
- A new ESB building is to be 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 site works.

It is of note that Section 8. of the application form provides details of the floor areas of current buildings to be retained on the site. Section 10 provides that the total site area is 2560sq.m, the floor area of the buildings proposed to be retained on site is 2,539sq.m, of new build is 3,625sq.m giving a total floor area of 6,164sq.m. The floor area of buildings to be demolished is given as 800sq.m.

Brock McClure Planning & Development Consultants have submitted a number of supporting documents with the application. These include the following:

- Architectural Drawings including CGI and Landscape Plan- KD Paine & Associates Ltd.
- Engineering Report and drawings – Punch Consulting Engineers
- Preliminary Construction and Demolition Waste Management Plan – ditto.
- Architectural and Historical Significance Report and Assessment of Impacts of the Proposal – Appendices – David Slattery Conservation Architects
- Draft Energy Sustainability Statement – Malachy Walsh and Partners
- Noise Management Plan – JD Wetherspoon
- Code of Conduct for Responsible Retailing – JD Wetherspoon
- Planning Application Report – BMC

3.0 Planning Authority Decision

3.1. Decision

On the 28th of October 2016 Dublin City Council granted permission for the proposed development subject to 21no. conditions. These are relatively detailed and many relate to infrastructural relative to roads and drainage and construction related issues, as provided by the conditions. The following are of note:

Condition no.3 – Omitted the use of the dining area and associated courtyard at lower ground floor area, and provided that revised plans be submitted indicating the use of this ground floor area for hotel bedrooms as per the previous permission.

Condition no.7 – This provides for some modifications to reduce the level of interconnections and to protect plan form.

Condition no.9 – This provides for archaeological Method Statement and monitoring.

Condition no.11 – Relates to restrictions on noise, waste and delivery times, and provides that a noise mitigation plan to be drawn up.

Condition no.12 – Relates to supervision of the works on site by an architect or expert with specialised conservation expertise.

Condition no.13 – Provides for details relative to conservation practices relative to the protected structures and heritage on the site.

Condition no.14 – Relates to the submission of details of external finishes, materials, treatments and colours for the historic buildings to be retained on site and for the proposed new building addressing Graham Place.

Condition no.19 – Restriction on the use to proposed hotel with ancillary restaurant/bar (as specified by the lodged documentation).

Condition no.20 – Provides a restriction on the usage in the former chapel to licensed restaurant/café.

3.2. Planning Authority Reports

3.2.1. Planner's Report

The Planner had regard to the locational context of the proposed development, planning history and policy and to the inter departmental advice and to the submissions made. Regard was had to the proposed development relative to planning policies and objectives in the DCDP 2011-2017. They noted that there is a need to have regard to the impact of the proposed design and layout on the protected structures. Also, that there is a need to strike an appropriate balance between the role of entertainment and other uses such as commercial, retail and impact on residential amenities. They provided that the development of 'super pubs' will be discouraged and an over concentration of pubs will be restricted in certain areas of the city.

Regard was had to the previous planning permission on this site relative to commercial hotel/restaurant/bar use Reg.Ref.3316/13 refers. They noted that the main changes in the current application are the reduction in the number of bedrooms from 143 to 98, internal layout changes and the inclusion of a public bar and an increase in the quantum of dining space. Also, that the drawings submitted do not distinguish between the permitted development and the proposed amendments.

They have regard to issues such as Land Use relative to the Z4 zoning, the public bar, new build and conversion of the existing. Also, to the design and layout and note that the Conservation Section requests that plant be removed from the roof of the protected structure. They note the Conservation Officer comments and concerns regarding the proposed development and the impact on the protected structures. Also, that the principle of converting nos.1-5 Camden Street Upper and 49-51 Camden Street Lower to hotel use was approved in the previous application for a similar footprint of development.

They note that the permitted development has no associated parking and has similar servicing arrangements. Servicing and deliveries are proposed as per the permitted development from Grantham Place.

It is noted that site coverage is stated as 62% (64% in the previous application) and is below the permitted maximum. The indicative plot ratio for the site is 2.0 and the proposed plot ratio is stated at 2.4 (2.5 in the previous application) including the lower ground floor level.

They noted a number of concerns and requested Further Information to include the following:

- There is an over concentration of bars and restaurants in Camden Street, and a shortage of hotel rooms in the city centre. They seek justification for the reduction in hotel bedrooms, the increase in restaurant/bar space in light of the Camden Street designation and the development plan policies in relation to the overconcentration of night time uses. They consider the lower ground floor plan as set out in the previous application Reg.Ref .3316/13 to be a preferable arrangement.
- They request that a noise report be submitted and details be provided of this.
- They seek clarity as to whether the 'lounge and dining room' located in no. 1-3 Camden Street Upper are for the general public or for residents of the hotel only, and this includes the capacity of dining spaces. They request an operational plan of how the restaurant/bar/lounge and dining space on ground and lower ground floor shall operate.

- They are concerned about the quantum of plant proposed and ask if it can be relocated on the lower ground floor and screened to reduce visual impact., they note the Conservation Section concerns on this issue, in particular relate to impact on the protected structures.
- They have concerns relative to some of the room sizes and fenestration and lighting and request details on a number of issues including interconnections.
- The applicant is requested to clearly indicate on the floor plans, elevations and sections any alterations from the permitted scheme including any changes to the proposed materials, setbacks and extent of basement.
- They recommend that a servicing management plan be prepared for the development.
- They requested details relative to conservation and the impact of the proposed development on the structure and fabric of the protected structures. This is to have regard to structural intervention and the provision of detailed drawings.
- The applicant is requested to clarify any works to the proposed boundary walls.
- They provide that the proposed banners at first and second floor on the front elevation be omitted.

3.2.2. First Party response

Brock McClure Planning & Development Consultants have submitted an F.I response on behalf of the applicants. This provides that considerable effort has been invested in revising a number of the originally submitted drawings to provide additional detail, particularly in relation to the conservation items and they note inputs from KD Paine & Associates, Architects, Punch Consulting Engineers, David Slattery Conservation Architects and Awn Noise Consulting Engineers. Their response includes the following:

- They provide further details and justification for the changes to the proposed development. This includes details of the main differences between the proposed and permitted development. Regard is had to the need for and the scale of the proposed bar/restaurant area and a justification is provided.

- A noise impact assessment has been prepared by AWN Consulting and details are provided of this.
- Details are given of an operational plan of circulation routes and how the restaurants/bar/lounge and dining spaces on the ground and lower ground floors operate.
- There is no space at lower ground floor level to accommodate the proposed plant that is needed for the operation of this hotel. All plant is now to be provided on a new flat roof and details area given of this.
- They provide details relative to room sizes lighting and linkages and refer to the revised drawings.
- They have submitted revised plans to provide additional annotation and illustration of newly proposed demolition, existing fabric to be retained and new additions.
- They have submitted comparison drawings to illustrate on one drawing for each floor, the primary differences between the permitted and proposed new schemes. Drawings are included on a floor by floor basis.
- They provide further details of servicing and deliveries and note that transit vans will be used. The lengths of time associated with deliveries is provided.
- Details of proposed interventions as well as joinery details are provided on plans/drawings, which have been revised to include additional information about the existing fabric and proposed interventions.
- They refer to the drawings for details of structural, conservation repairs and fire upgrading.
- They provide details of construction methods to ensure minimal impact on the protected structures and the chapel building.
- A detailed elevation of the interior of the chapel space is also provided. Regard is also had to construction methods relative to the preservation of this space.
- They note the re-location of plant from the roof of the protected structure.

- The entrance door to no.2 Camden Street is shown on the revised elevations and regard is also had to fenestration.
- The additional lift has been removed from the historic core.
- Clarification is provided of the proposed works to the boundary walls.
- The proposed banners at first and second floors shall be omitted.

It is provided that all works will be done in accordance with the recommendations of David Slattery Conservation Architects in relation to refurbishment, repair and replacement.

3.2.3. Planner's response

The Planner had regard to the F.I submitted. This included regard to the proposed development and to the compatibility of the land use zoning. They noted that one of the key alterations from the previous application is the inclusion of a public bar. They note the need to strike an appropriate balance between entertainment uses, the economy of the city and to ensure a balanced mix of uses and to protect the amenities of residents from an over-concentration of late night venues. They have concern about the reduction in the number of bedrooms, the quantum of entertainment uses and the inclusion of a very large restaurant (244sq.m) which opens onto a 265sq.m courtyard. Also in relation to noise given the proximity to the residential area of Grantham Place. They considered the proposed 1,184sq.m of bar/restaurant/lounge/dining and outdoor seating with tables and chairs to be excessive. They noted that the applicant was advised at A.I stage that the lower ground floor plan as set out in the previous planning application 3316/13 is a more preferable arrangement. They recommended that the proposed lower ground floor dining area and outdoor seating area be omitted by condition.

They noted that the EHO and Roads Division did not object to the proposal subject to conditions. The Conservation Officer has some concerns in relation to the proposed development in terms of the level of interconnectivity and the level of detail submitted and they consider that some of these can be omitted by condition. In conclusion, they considered that having regard to the existing permissions on this site, that the proposal, subject to conditions, would be in accordance with the DCDP 2016-2022 and the proper planning and sustainable development of the area.

3.3. Other Technical Reports

External

3.3.1. Transport Infrastructure Ireland

As the proposed development falls within the area set out in Metro North Section 49 scheme, they recommend that a Section 49 condition be included should permission be granted.

Internal

3.3.2. Roads Streets & Traffic Department – Road Planning Division

Having regard to the permitted development on the subject site and to its accessible city centre location, they have no objection subject to recommended conditions.

3.3.3. Engineering Department Drainage Division

They have no objection subject to recommended conditions.

3.3.4. Environmental Health

They request that prior to approval being granted that a Noise Report be submitted. Having regard to the Noise Impact Assessment submitted they recommended a number of conditions relative to noise, servicing, deliveries etc.

3.3.5. City Archaeologist

They note that the site falls within an area of archaeological constraint and recommend a detailed archaeological condition to include testing and monitoring.

3.3.6. The Conservation Officer

They recommended that detailed F.I be sought relative to the heritage issues concerning the proposed development. While they do not support the current proposal having regard to the Conservation Principles, they have regard to planning history of the site and the extant permission and recommended detailed planning conditions relative to conservation should permission be granted. They noted the details submitted as part of the F.I response and considered in their 'Review' that overall a lack of information has been submitted and had some concerns about the proposed design and layout and did not support some of the structural interventions.

They had concerns that there are significant demolitions proposed and that there is minimal conservational/planning gain in some of the proposed interventions.

3.4. Prescribed Bodies

- 3.4.1. There has been no response from those notified, which include the Department for Arts, Heritage & Gaeltacht, Development Applications unit, The Heritage Council and An Taisce.

3.5. Third Party Observations

- 3.5.1. A number of Submissions have been received from local residents, including the Grantham Street Residents Association and the subsequent Third Party, and their concerns include the following:
- The nature and scale of the proposed development, leading to the creation of a 'super-pub', in an area where there is already an overconcentration of licensed premises.
 - The proposed development does not provide an adequate level of street activation and visualisation of Camden Street Upper and Lower.
 - Adverse impact upon the radial market street of Camden Street and over proliferation of pubs in the area.
 - Adverse impact to the existing compact urban residential community and on the protected structures and the character of the area.
 - This proposal would be contrary to residential amenities and would contravene the policies and objectives of the DCDP 2011-2017, in particular policies RD15, RD16.
 - The height of the proposed development will be out of character with the 2/3 storey developments in the area. It will cause overshadowing of existing properties. The proposal should be scaled back to three stories in height.
 - Concerns regarding access to the site from the narrow Grantham Place, both during construction and after completion.

- Servicing arrangements are not adequate. Grantham Place is too narrow to facilitate large trucks for delivery and waste. They are road safety issues.
- The resulting noise from the proposed usage and service vehicles will have a detrimental impact on the residential amenities of the area.
- There are concerns about late night opening hours, noise and anti-social behaviour.
- Concerns regarding the lack of parking in the area and Traffic Management issues during and following construction.
- They note that other comparable hotels, either have on-site parking or are proximate to public car parking facilities. Also, that there are issues for hotels without parking.
- Waste Management concerns regarding litter and bin storage, and disposal of waste.
- Lack of engagement between JD Wetherspoon plc and local residents.
- Drainage issues
- Construction issues, such as impact on party walls.
- Concerns over fire safety issues an external spread of fire.
- They consider that the proposed development does not accord with the proper planning and sustainable development of the area.

4.0 Planning History

- 4.1.1. The Planner's Report and the Planning Application Report submitted with the application has regard to the planning history of the subject site. The most recent and relevant to the subject site is as follows:

Reg.Ref.3316/13 – Permission granted by DCC subject to conditions for a hotel development and associated development to include refurbishment/alterations and a change of use of existing buildings on site and the construction of new buildings to the rear. In total 165no. bedroom with ancillary public restaurant/bar, retail unit and associated ancillary uses were proposed. The overall would be accommodated in

the existing buildings (including nos.1,2,3, 4 and 5 Camden Street Upper and nos. 50 and 51 Camden Street Lower) and by way of a 4,120sq.m new build to the rear of this terrace group which includes no.49 Camden Street Upper. In addition, planning permission was sought for all associated uses and associated site and development works. It is noted that this application was modified at Further Information stage and the no. of hotel bedrooms was reduced to 143. Subsequent to First and Third Party appeals to ABP, permission was upheld subject to 19 no. conditions by the Board.

Condition no.12 is of particular note relevant to the current appeal i.e:

The restaurant in the former chapel and the café in numbers 4 and 5 Camden Street Upper 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 and the café shall be used primarily for the consumption of food in associated with the proposed restaurant use and shall not be provided with speakers of amplified music.

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

A copy of this decision is included in the History Appendix to this Report.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

This is now the pertinent Plan and was adopted by Dublin City Council at a Special Council meeting on 23rd September 2016. The Plan came into effect on 21st October 2016. It replaces the 2011-2017 City Development Plan.

Section 2.2.3.8.1 includes reference to *Camden St/Wexford St/Redmond's Hill/Aungier and Georges St area* relative to the provision of Local Environment Improvement Plans.

Section 2.3.10 provides: *The city's built heritage makes it unique. Key to the approach of this plan is to seek to increase the sustainability of urban planning, new investment, infrastructure improvement and regeneration by taking into account the*

existing built environment, intangible heritage, cultural diversity, socio-economic and environmental values along with community values.

Section 2.3.9 refers to the recognition and support for Conservation, Culture and Heritage as a core determinant of the city's character.

Section 4.5.9 refers to Urban Form and Architecture Policies SC26 and 26 refer.

Section 6.5.3 refers to Tourism/Visitors. Policy CDD12 seeks to promote tourism facilities, including the provision of hotels.

Chapter 11 refers to Culture and Heritage. Section 11.1.3 sets out the challenges to protect the character of designated ACAs and CAs and to protect the structures of special interest and review the RPS.

Policy CHC1: To seek 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.

Section 11.1.5.1 refers to the RPS. The Planning and Development Act, 2000 (as amended) defines 'Protected Structures' as structures, or parts of structures, which form part of the architectural heritage and which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Section 11.1.5.3 includes: *Interventions to Protected Structures should be to the minimum necessary and all new works will be expected to relate sensitively to the architectural detail, scale, proportions and design of the original structure. This should take into account the evolution of the structure and later phases of work, which may also contribute to its special interest.*

Section 11.1.5.4 refers to ACAs and CAs in particular to the special interest or unique historic and architectural character and important contribution of heritage to the city. Policy CHC4 relates to enhancement opportunities and development restrictions.

Section 11.1.5.13 refers to Preservation of Zones of Archaeological Interest and Industrial Heritage. Policy CHC9 refers.

Chapter 14 sets out the Land-use Zoning Principles and Objectives, and these are referred to relative to the site (Z4- Mixed Use) in the Assessment below.

It is provided that the guiding principle is to enhance the architectural quality of the streetscape and the area, and to protect the Georgian character of the area.

Chapter 16 provides the Development Standards and refers to Design, Layout, Mix of Uses and Sustainable Design.

Section 16.10.11 refers to Mixed Use Development and includes: *To create a vibrant city, it is important that development accommodates a mix of uses. In considering proposals for mixed-use developments, the protection of amenity and the reduction in potential conflict between the various uses will be of paramount importance.*

Section 16.11 has regard to criteria for Guest Accommodation, including hotels.

Section 16.28 refers to Off-Licences.

Section 16.29 refers to Restaurants.

Section 16.32 refers to Night Clubs/Licensed Premises/Casinos/Private Members Club.

Relevant to consideration of all of the above uses is the impact on residential amenities, on the protected structures and having regard to the number of such facilities in the area.

Section 16.10.20 refers to Development on Archaeological Sites and in Zones of Architectural Interest.

5.2. Architectural Heritage Protection – Guidelines for Planning Authorities, 2004

These guidelines are of relevance and were issued by the DoEHLG in 2004/2011 and outline the responsibility of the Planning Authority to protect the special interest of 'Protected Structures' and to preserve the character of conservation areas within their functional area. The Guidelines state that in relation to conservation areas that: *“the protection of architectural heritage is best achieved by controlling and guiding change on a wider scale than the individual structure, in order to retain the overall architectural or historic character of an area”.*

Section 1.3.1 (f) provides: *Where a structure is protected, the protection includes the structure, its interior and the land within its curtilage and other structures within that curtilage (including their interiors) and all fixtures and features which form part of the*

interior or exterior of all these structures. All works which would materially affect the character of a protected structure, or a proposed protected structure, will require planning permission.

Chapter 7 of the guidelines sets out the conservation principles for buildings and places with the objective of managing change to them in such a way as to retain their character and special interest. These principles include but are not limited to keeping a building in active use, protecting their special interest, promoting minimum intervention through to ensuring reversibility of alterations. Chapter 7 also indicates that historic structures are a unique resource that once lost cannot be replaced.

Chapter 13 deals specifically with the Curtilage and Its Attendant Grounds

Section 13.7.1 provides: *It is essential to understand the character of a site before development proposals can be considered.* Section 13.7.2 has regard to the issues to be considered including: (a) *Would the development affect the character of the protected structure?* (b) *Would the proposed works affect the relationship of the protected structure to its surroundings and attendant grounds?*

Chapter 17 of the guidelines deals with the matter of alterations to enhance fire safety. It indicates that compromise from all sides will often be needed to resolve conflicting requirements of fire safety and architectural conservation. Section 17.9.2 states that: *a fire risk assessment should be carried out for the protected structure. This would be most useful in advance of preparing a detailed planning application. The likelihood of fire can be reduced by the identification of risks and their elimination or by the management of those which cannot be eliminated.*

Chapter 18 of the guidelines deals with the matter of improving access and Section 18.1.2 states that: *a fair balance will need to be struck between accessibility and the preservation of the special qualities of a protected structure and its setting or of an ACA.* Improving access to a historic building will require a creative approach and flexibility on the part of the owners, architects, planning authorities, building managers, users and others. Section 18.1.4 states that: *where it is proposed to improve access to a protected structure, the ability of the building and its setting to meet this requirement must be carefully assessed. If the application of universal design principles and measures to improve accessibility is likely to cause major problems and lead to unacceptable alterations of the character and fabric of the*

protected structure, the onus should be on the applicant to show that consideration has been given to exploring all possible options. Section 18.1.6 states that: it should be realised that there are some protected structures or groups of buildings within ACAs whose architectural qualities or rarity are such that they should not be compromised and it may have to be accepted here that full and easy access for all is not possible to achieve. For example, a Georgian terrace house which is separated from the street by a sunken area surrounded by stone plinths and iron railings accessed by a flight of stone steps, may require excessive alteration and loss of historic fabric in order to provide access for wheelchairs.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. First Party Appeal

This has been submitted by Brock McClure Planning & Development Consultants on behalf of JD Wetherspoon and is against Condition no. 3 of the decision by Dublin City Council. This has regard to the locational context of the site, and to the planning application lodged and provides a detailed description of such. They provide that while the number of bedrooms will be reduced a similar range of uses on the subject site has been established from the previous permission (DCC Reg.Ref.3316/13). The majority of the proposed changes occur in the layout of the Lower Ground Floor and this is illustrated in the drawings permitted. They provide that their client is keen to redevelop the site and considers this an appropriate opportunity to revitalise the street frontage in the area. A detailed description of the proposed layout of each floor is provided. Regard is also had to the proposed siting and management of the Public/Bar/Restaurant facility. They note that the overall design, proposed use and the conservation treatment has been considered acceptable by the planning authority based broadly on the previous permission for the site. Other standard conditions were included on the grant of permission in relation to roads, drainage, archaeology and conservation.

Their grounds of appeal are specifically concerned with Condition no.3 of the Council's permission and this includes the following:

- This condition is unwarranted and should be removed from the grant of permission.
- There are very clear operational reasons for the layout submitted in the current application.
- A table is provided showing the differences between the no. of bedrooms permitted in 2013 and those now proposed i.e a reduction of 45no. bedrooms.
- The main difference proposed in the reduction of bedrooms is at Lower Ground Floor Level to facilitate the ancillary bar/restaurant usage.
- The courtyard areas now omitted in the current proposal in Condition no.3 of the Council's permission were permitted in the 2013 permission.
- They also provide that the dining area omitted by the current permission has almost an identical floor area to that previously permitted, having regard to the internal bar area at Ground Floor Level.
- They provide details of the JD Wetherspoon operations and note that the proposal is not to facilitate a late-night venue and that amplified music will not be permitted.
- They provide that a reduction in seating and provision of adequate customer services would reduce the viability of the hotel and bar.
- They submit that an adequate buffer would be provided to residential areas in the vicinity of the site and note that the noise impact assessment states that the level of noise from the proposed use would be negligible in the context of city living.
- They also note that the bathrooms cannot be moved from the current location without having a significant impact on the operability of the layout of the overall hotel.
- They request the Board to remove condition no.3 from the grant of permission and allow the south-western block at ground floor to remain as currently proposed.

Modified Scheme

- However, they provide a revised design option should the Board be mindful to retain condition no.3 of the Council's permission.
- This provides for a modified scheme at the south-western block of the lower ground floor that reduces the area of dining space and includes additional hotel bedrooms.
- They submit that the modified scheme is more favourable for operational purposes, than reverting to the layout of the permitted scheme in 3316/13. This provides 6 extra bedrooms to give a total of 104 bedrooms and incorporates a reduction in the dining room area. They attach drawings showing the proposed revisions to the proposed layout.
- They consider the proposal to be acceptable and request that the Board remove or amend Condition no.3 of the Council's decision.

6.1.2. Third Party Appeal

Barry Chambers. Local resident from Grantham Street, has submitted a Third Party Appeal. While he welcomes the overall regeneration of this site, he has a number of concerns relative to the impact on the character and residential amenities of the adjoining area. His grounds of appeal include the following:

Planning/Overconcentration of Bars and Restaurants on Camden Street/Detrimental Impact on Residential Amenity and Vibrant Local Economy.

- He has regard to planning policies and objectives in the 2011-2017 DCDP and is concerned about an imbalance in mixture of uses and a massive super pub being created.
- There are a number of licenced premises, restaurants, clubs, entertainment venues in the area and details are provided of these.
- Dublin City Centre is suffering from an undersupply of hotel bedrooms. To lose hotel bedrooms or retail space in favour of licenced premises does not make good planning sense.
- The mixture of uses along Camden Street is what makes it successful as a vibrant neighbourhood.

- PL29S.243008 that ABP permitted an ancillary licenced restaurant/café but refused permission for a public bar, dance hall or night club on any part of the application site.

Residential Amenity/Anti-Social Behaviour

- The large-scale pub usage being proposed would be seriously detrimental to the residential amenity and character of the area and would be an unwelcome milestone in the current trend to completely alcoholise Camden Street.
- There is a proliferation of pubs and other licenced premises in the Camden Street/Wexford Street area, many with later night opening hours. They refer to newspaper articles with views on Camden Street night life.
- These establishments lead to noise, nuisance and anti-social behaviour and note comparisons with Temple Bar.
- The introduction of a super-pub into this area, will be detrimental for small businesses and the amenities of the densely populated residential area.

Car Parking & Traffic

- They note that no on-site parking is proposed and are concerned that there will be a negative impact on parking and traffic congestion and safety in the area.
- The nearest public car parks are some distance away from the site, and most city centre hotels either have some on-site parking or are closer to public car parking facilities.
- While they note proximity to public transport links they consider it would be unprecedented in this city for a hotel of this size to have no such parking facilities.
- Also, there is no set down parking area for coaches, taxis etc.
- It is considered that there will be inevitable traffic congestion problems in the busy Camden Street area.

Servicing – Deliveries

- The proposed servicing arrangements are of major concern and have not been adequately addressed by the applicant or the P.A. There is a need for realistic arrangements that are workable to be in place.
- There is concern that Grantham Place is too narrow and is unsuitable for the proposed servicing arrangements.
- The junction is opposite the Third Party residence on Grantham Street and he is concerned about congestion and obstruction issues causing safety hazard.
- Considering the scale of the proposed development, the size of the service yard and the access and egress arrangements are completely insufficient.
- It is not considered that 'transit type vans' will be used relative to servicing. Heineken Ireland is listed as one of the suppliers to the proposed development and they only use trucks to deliver their kegs.
- Such trucks are too large to access Grantham Place and there is no space in the loading bay in front of the site. They enclose photographs relative to servicing and delivery issues.
- They suggest that servicing and deliveries are properly managed on site and not permitted to park on the double yellow lines on the surrounding streets.
- In the interests of residential amenity, they request that there is a clear and certain condition that deliveries to the premises should only be allowed at reasonable times on Monday to Saturday.

Servicing – Waste Management

- It is not clear how refuse trucks will service the proposed development given the restricted width of Grantham Place.
- It should be conditioned that all glass bottle and other waste should remain in the applicant's service yard until collected and not be stored on adjoining roads pending collection.
- The applicant should be required to comply with Bye-Laws for the Collection, Storage and Presentation of Commercial waste.

- It is important that sufficient measures are implemented to ensure the proposed development will function and operate in a way that is sustainable in the long term interests of the applicant and neighbouring business and residents.

6.2. Planning Authority Response

- 6.2.1. It is provided that Dublin City Council has no further comment to make and considers that the Planner's Report on file adequately deals with the proposal.

6.3. Third Party Response to First Party Appeal

- 6.3.1. Barry Chambers response to the First Party Appeal regarding the removal of Condition no. 3 includes the following:

- The differences in scale between the current and permitted proposals relative to floor area and former ancillary bar and restaurant and as now proposed super-pub and beer garden are noted. It is considered that this proposal is contrary to Condition nos.11 and 12 of PL29S.243008, and in this regard the applicant's proposed development is in conflict with the board's previous determination. They trust that the Board's decision will be consistent with the previous determination.
- Proposing to develop a super-pub in a residential area is completely inappropriate and inconsistent with the proper planning and sustainable development of the area.
- It would not be unreasonable to argue that the applicant's proposal is to transform the permitted permission for a hotel with ancillary restaurant/bar into a super pub with ancillary hotel.
- They note the inadequacy of Grantham Place and provide that as originally requested by the Council a Service Management Plan should have been submitted at F.I stage rather than being conditioned (condition 10(i) of the Council's permission refers).

- It is queried as to whether the narrow width of Grantham Place is wide enough to accommodate transit vans. It is obvious that bin trucks and Heineken key trucks will not be able to service the development.
- There is concern that the servicing arrangement as proposed will lead to poor urban design and is in conflict with common sense, road safety, residential amenity and the proper planning and sustainable development of the area.
- To mitigate this a redesign of the delivery area is needed and a condition that the existing designated loading bays on Camden Street are used to service the development via the Camden Street entrance with a prohibition on using Grantham Street.
- The proposed super pub will not make a positive contribution to the vitality of the streetscape or an area where people live.
- The proposed opening hours are very late and will lead to noise and anti-social behaviour. This area is inappropriate for any public bar not to mention a super pub.

6.4. **Applicant Response**

6.5. Brock McClure Planning and Development Consultants has submitted a response on behalf of the First Party to the Third Party grounds of appeal. This includes the following:

Overconcentration of Bars

- The proposed hotel/restaurant/bar is considered to be a complimentary use to the uses already in the area and an important addition to the tourism economy of the city.
- The subject proposal will revitalise the historical buildings and enhance the streetscape.
- They have regard to their F.I Submission relative to an assessment made relative to the number of bars in the area and to the map prepared showing that there is not an overconcentration of licenced premises in the area. The map as submitted at F.I stage is attached for the information of the Board.

- It is important to note that the subject development is not intended as a late-night destination with the latest expected opening hours to be at 12.30am at the weekends. The venue will be focused on the service of food with a complementary drinks service and will play no amplified music. The JD Wetherspoon Code of Conduct is attached. The applicant is fully committed to upholding the objectives of that code.
- The subject development does not propose a 'super pub', which notably is not definable in any relevant land use terms and they provide details relative to the scale of the uses proposed. To imply that this proposed hotel/bar/restaurant will be a 'super pub' is disingenuous and misleading and is clearly not the case with the subject development.
- They refer to Condition no.12 of PL29S.243008 and provide that the restaurant area proposed in the chapel building will continue to be used as a dining area in the current proposal. They note that a public bar was not refused anywhere on site.

Residential Amenity/Anti-Social Behaviour

- They refer to the JD Wetherspoon Code of Conduct submitted to the Council at F.I stage, which the applicant takes very seriously in terms of mitigating noise and anti-social behaviour.
- They also refer to the Noise Management Plan submitted, having regard to the operation of the premises including the bar element, designed to reduce the impact on neighbours.
- The services of Punch Consulting Engineers were retained to specifically address the concerns of local residents relative to car parking, traffic and servicing. They also refer to their attached memo which outlines the level of public transport connectivity enjoyed by the subject site, illustrating there is no need for car parking at this location.

Servicing – Deliveries

- They provide details of such, have regard to the swept path analysis and note manoeuvrability in and out of the delivery lay-by and a diagram is provided.

- The Punch Consulting Engineers memo also refers to servicing noting there are a number of options available from the surrounding road network.

Servicing -Waste Management

- The Punch Consulting Engineers report includes regard to storage of empty bottles within the dedicated waste storage area to the rear of the property to be collected at an agreed date and time. A diagram is included showing swept path analysis of delivery van exiting/entering in a forward direction.
- Appropriate arrangements will be put in place to ensure the regular collection of waste without significant adverse impacts on the surrounding properties. The Punch Memo provides further details with regard to Waste Management collection from the public site.

Conclusion

- Much of the details raised in the Third Party appeal have been addressed in the original application and additionally in the Local Authority's decision on this application.
- Further discussion on the traffic, deliveries and waste management proposals and appropriateness of the submitted information area provided in the attached submission from Punch Consulting Engineers.
- They submit that the proposed development represents a suitably designed proposal at this location that successfully provides a sustainable use within a City Centre site and one which will treat their relationship with neighbouring properties appropriately as outlined in the attached Noise Management Plan and Code of Conduct.

6.6. Observations

These have been received from the following local residents:

- Derek Tynan
- Suzanne Willoughby
- Peter O'Reilly
- Enid O'Dowd

While these are separate Observations they raise similar type concerns and are considered together for convenience below:

- While the buildings involved in the proposed development need upgrading for the benefit of the local environment, this proposal is completely inappropriate to the needs of the immediate area including the residential off Camden Street Lower.
- The proposal would lead to the creation of a super pub and beer garden in the Camden Street area, which is a compact urban residential neighbourhood and a Radial Market Street.
- It is contrary to planning policies and objectives in the Council's own Development Plan. Instead of allowing for balanced development it allows for further concentration of bars and restaurants in Camden Street.
- It is contrary to the previous permission (3316/13) which reduced the quantum of pub use by the reduction of bedroom numbers. The layout of the previous permission is preferable and should guide the development of the site. This proposal needs to be redesigned.
- It is contrary to the protection of the City's built heritage as required by the Development Plan, by allowing for wholesale intervention in and a destruction of, the subject structures. There has been a lack of conservation expertise and input during the design process.
- There is serious impact which the mechanical scheme, as submitted in the F.I would have on the existing buildings.
- They consider that the proposal would result in serious damage to the Protected Structures and is in direct contravention of the Council's own conservation policies.
- It fails to protect residential amenity of adjoining Z1 and Z2 residential lands. One of the Observers includes a list of residential properties in close proximity. The proposal will not add to mixed use or the vitality of the streetscape.

- The proposed development is incompatible with the established existing residential adjoining use. It is unrealistic to imagine that this community will continue to thrive if a super pub and beer garden which extends to 1,184sq.m is located in the heart of the community.
- The proposal will add to existing parking problems, noise and public disorder issues. It will reduce the residential amenity values for people living in Camden Street and the adjacent roads.
- They have concerns relevant to the Wetherspoon appeal to Condition no.3 of the Council's permission. They note that Wetherspoon are new to hotels and that they know that bars are very profitable which is why they want more bar space and less hotel bedrooms.
- They have concerns that condition nos. 3, 13 and 14 of the Council's permission will not be sufficient to limit the negative impact of the proposed development. However, in the interest of residential amenity they support the retention of condition no.3. They consider that as a minimum requirement the applicant's attempt to remove or dilute condition no. 3 should be refused.
- It will lead to an over concentration of pubs in the Camden Street area. Regard is had to the documentary Camden Chaos screened on RTE in April 2015 which demonstrates how the area has deteriorated due to an oversupply of pubs and bars.
- Anti-social behaviour in the area will increase due to more of these licenced establishments and late night opening hours.
- Concerns regarding noise and inadequate scope of the AWN Consulting Noise Impact Assessment Report, in particular the impact of the proposed usage of the courtyard/beer garden relative to the residential amenities at noise sensitive locations including 8&9 Camden Street Upper.
- Adverse impact on parking on adjacent roads. car parking for local residents and all disc parking will be seriously affected.

- Servicing arrangements are completely inadequate and will impact adversely on proximate residential. Grantham Place is too narrow and as a mews lane is not adequate relative to the proposed development.
- A significant safety concern is the uncontrolled reversing of waste collection vehicles.
- Part of the building to be developed was formerly a hostel for the homeless. It makes no sense to allow hotels, especially one that is inconsistent with proper planning in this area.
- They have regard to other planning decisions, including by the Board and are concerned that local resident's views are not being protected. They support the Third Party appeal.
- They query how long it will be before new hotels now being allowed due to alleged shortage of hotel rooms end up in NAMA or equivalent.
- This permission is contrary to the policies and objectives of the DCDP and does not provide for balanced sustainable development and the protection of residential amenity.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. As shown on land-use Map E of the Dublin City Development Plan 2016-2022, the site is within the Z4 District Centre zoning where the objective seeks: *To provide for and improve mixed-services facilities*. Permissible uses include those proposed in the current application i.e: hotel, restaurant, public house. The majority of the properties on the site fronting Camden St. Upper are Protected Structures. The site is also within the Conservation Area. It is proximate to but not within the Strategic Development & Regeneration Area 18 and to a Site of Archaeological Interest. The opposite side of Grantham Place is in the Z1 Residential land-use zoning where the objective is: *To protect, provide and improve residential amenities*. In this respect regard is had to Section 14.7 of the Plan which seeks to avoid abrupt transitions in scale and use in Transitional Zone Areas. This includes: *It is necessary to avoid*

developments that would be detrimental to the amenities of the more environmentally sensitive zones. For instance, in zones abutting residential areas or abutting residential development within predominately mixed-use zones, particular attention must be paid to the use, scale, density and design of development proposals and to landscaping and screening proposals in order to protect the amenities of residential properties.

- 7.1.2. The proposal is to redevelop the site as a modern, purpose built hotel using the existing structures with a new-build hotel extension at the rear of the site alongside Grantham Place. It is provided that the submitted scheme comes entirely within the envelope of the hotel and associated development already envisaged on site (Reg.Ref.3316/13 and APB Ref: PL29S.243008 refers) and while it includes revisions to the design and layout it is generally reflective of the proposal as originally envisaged. Also, that the proposed hotel/restaurant/bar is considered to be a complimentary use to the uses already in the area and an important addition to the tourism of Dublin City. The subject proposal provides for the revitalisation of historical buildings (protected structures) and is to be seen as a positive addition to the streetscape. Regard is had to Policy CEE12 of the DCDP 2016-2022 which seeks to promote tourism through the provision of necessary significant increases in facilities such as hotels, cafes and restaurants. It is also of note that Policy CEE14 seeks: *To recognise that many of our key tourist attractions are in regeneration areas with challenges of dilapidated buildings, vacant sites, and public domain in need of improvement; and to develop projects such as Dubliner that will address these challenges.*
- 7.1.3. As previously submitted the site encompasses a number of Protected Structure which form group of such Georgian period properties in the Camden Street area. It is of note that these are all included in the DCDP Record of Protected Structures. Policy CHC2 seeks: *To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage.* This includes criteria (a) to (f) regarding works to a P.S. to ensure its protection and enhancement. This also provides: *Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.*

- 7.1.4. While not located in an ACA the frontage of the site is located in a Conservation Area. Section 11.1.5.4 includes: *Designated Conservation Areas include extensive groupings of buildings or streetscapes and associated open spaces and include (parts of) the medieval/walled city, the Georgian Core (in recognition of Dublin's international importance as a Georgian city), the 19th and 20th century city and the city quays, rivers and canals. The special interest/value of Conservation Areas lies in the historic and architectural interest and the design and scale of these areas.* Therefore, all of these areas require special care in terms of development proposals.
- 7.1.5. While it is noted that this proposal is acceptable in principle on this land use zoning and having regard to the recent planning history and extant permission, the importance of the regeneration of this site in the context of the Camden Street area in planning and conservation terms needs to be highlighted, in terms of the assessment of the current application. Regard is had to this and to the planning issues and concerns raised by First and the Third Party appeals in the Assessment below.

7.2. **Background and Justification**

- 7.2.1. It is provided in the details submitted that the applicants JD Wetherspoon are established hotel and pub operators and have significant experience in the management and operation of successful developments that make a positive contribution to their local neighbourhood. They provide that their Irish operations to date demonstrate a commitment to sensitive design and use of vacant buildings, that have enhanced the vitality of the locality. They note their investment in both the built heritage and social and economic future of the company's host town and cities. Also, that they support local suppliers and local brewers and that the facility will lead to job creation. They have been commended in Britain by the Institute of Building and Heritage Conservation relative to the work they have done in restoring derelict historical and heritage buildings, and provide details and photographs of such.
- 7.2.2. Regard is had to the site context and it is noted that a number of the buildings, most of which are P.S have fallen into decay and have experienced a wide range of uses in the past. The vacancy of the site at present detracts from the surrounding public realm and streetscape and somewhat lessens the vitality of Camden Street Upper and Lower and the Conservation Area along Richmond Street South. The applicant

is keen to develop the subject site and considers this an appropriate opportunity to revitalise the street frontage.

- 7.2.3. They are cognisant of the requirements relating to the development of Protected Structures and have appointed David Slattery Conservation Architects to the design team to provide suitable guidance and a detailed Conservation Report has been submitted. It is noted that the surrounding land uses include bar and restaurant uses, residential, retail and a variety of offices and employment centres. They provide that the proposed development is seen as complimentary to these uses and will provide for a much needed increase in hotel rooms in Dublin City. They note public transport links in the area.
- 7.2.4. The supporting documentation also notes that there is a critical need for hotel accommodation. As noted in the history section above permission already exists for a hotel development on this site (Reg.Ref. 3316/13 – ABP Ref.PL29S.243008 refers). However, it is provided that no operator could be found to implement the development prior to their client JD Wetherspoon purchasing the site. They consider that the site is ideally located to provide hotel accommodation in conjunction with supporting bar/restaurant facilities. They provide that the proposed development will go some way to addressing the existing accommodation shortfall. Also, that this is primarily a hotel based development in keeping with the established precedent from the existing permission that exists for the site with all other uses being ancillary. It is provided that the key design principles of the existing permission will be maintained within the current proposal and that a similar range of uses on the subject site has been established from the existing permission that exists on site.
- 7.2.5. The subject proposal makes a series of operator led improvements designed to improve the functionality of the buildings. Also, that the proposed development will maintain the legibility of the Protected Structures and will revitalise and rejuvenate the Camden Street area. They provide that the revised proposal provides a series of good internal landscaped spaces to provide amenity on the site. Therefore, there are positive elements of the proposal in terms of revitalisation of run down building stock, re-energising of the street frontage and promotion of day and night time activity should be emphasised when considering the development proposal.

7.2.6. In this respect regard is had to Section 14.5 of the DCDP 2016-2022 i.e: *Dublin City Council actively encourages uses that are compatible with the character of protected structures. In certain limited cases, and to ensure the long-term viability of a protected structure, it may be appropriate not to stringently apply city-wide zoning restrictions including site development standards, provided the protected structure is being restored to the highest standard; the special interest, character and setting of the building is protected; and the use and development is consistent with conservation policies and the proper planning and sustainable development of the area.*

7.3. **Regard to the Permitted and Proposed Development**

7.3.1. It is noted that the scheme as permitted by Dublin City Council subject to conditions (Reg.Ref.3316/13 and ABP Ref.PL29S.243008 refers) included the following:

- 143 bedroom hotel (reduced at F.I stage from 165);
- Introduction of 4no. independently accessed hotel suites with living accommodation from Camden Street and omission of en-suite bedrooms from Camden Street.
- Provision of a café unit in place of the retail unit originally proposed and enlarging of the unit size.

7.3.2. It is noted that following the subsequent first and third party appeals to the Board, that this development was assessed as per the Further Information submitted to the Council. The Inspector's Report included the following:

The general principle of the proposed development is acceptable, subject to safeguards, on 'Z4' zoned land. However, regard is also had to the transitional nature of the site proximate to the 'Z1' residential zoning on the opposite side of Grantham Place.

The revised proposal omitted the upper floor level from the new build component, resulting in a 3-storey (maximum height of 11.45m) over fully sunken basement building addressing Grantham Place. It was then considered that the introduction of a 3 storey built form addressing Grantham Place provided complimentary graduation of built of built form within this streetscape context and in particular on the eastern

side of Grantham Place which contains structures of a similar height at points along its entire length.

It was proposed to set back the new build from Grantham Place from the former chapel building maintaining its set back from the road side edge.

The previous proposal has a plot ratio of 2.5 and a site coverage of c.64% whereas the current proposed plot ratio is 2.4 and the proposed site coverage is 62%.

A detailed assessment relative to heritage issues was provided in the Inspectors Report. The Inspector considered that the provision of a viable use and appropriate restoration of the P.S on site is urgently required to protect and safeguard these buildings in the future.

Also, that the design resolution then proposed for the Camden Street frontage sought to restore the character of what are attractive Late Georgian terrace buildings and if permitted would also enhance their contribution to the streetscape scene.

It was recommended that should the Board decide to grant permission that a condition seeking the removal of roof equipment/plant be included.

The Inspector noted that no parking was proposed and had some concerns about the operation of delivery and servicing arrangements.

They considered that further thought should be given to the design resolution of the deliveries and services area including its associated entrance onto Grantham Place and recommended that this be conditioned. However, they considered the then proposed development acceptable in traffic and convenience terms, subject to safeguards.

The main difference is that the bar/restaurant facilities were less extensive in the permitted development. The restriction to restaurant/café bar in the former chapel and the café in nos. 4 and 5 Camden Street Upper in Condition no.12 of the Board's permission is noted.

For convenience, a copy of the Inspector's Report and the Board's decision are included with the subject Report.

- 7.3.3. The current proposal reduces the no. of hotel bedrooms from 143 to 98 and introduces public/bar restaurant use. The footprint of the building and broad layout of the development remains the same with alterations proposed to the internal layout

and operability of the building. The main difference in room numbers occurs at lower ground floor level where a number of bedrooms proposed in the permitted scheme are replaced by a dining room and back of house facilities such as kitchen store, plant rooms and cold beer store. Of the 1,184sq.m of bar/restaurant lounge/dining/outdoor seating area proposed in the new scheme, the two outdoor areas totalling 368.3sq.m were not defined as usable space in the permitted scheme and do not form part of the overall floor area figure that was then presented. In addition to this courtyard area at Lower Ground Floor Level a dining room of 244sq.m is also proposed in the new scheme. It is provided that the internal bar area at Ground Floor Level has an almost identical floor area in both the permitted and newly proposed schemes.

7.3.4. A table is included in the F.I submitted setting out the differences between the previously permitted scheme and the proposed scheme in terms of the no. of hotel bedrooms per floor. Details are given of comparisons on a floor by floor basis. Drawings have been submitted to illustrate on one drawings for each floor, the primary differences in layout between the permitted scheme and the proposed new scheme. It is provided that the reduced no. of bedrooms in the current application is largely as a result of the operational requirements of the proposed hotel with ancillary pub/restaurant and is generally attributable to:

- Plant rooms, kitchen storage, cold beer store and dining room at Lower Ground Floor Level;
- Reconfiguration of lounge/dining area/meeting rooms/hotel reception area at Camden Street frontage, kitchen area, additional lift shafts (in new build to the rear) and lift lobby results in loss of rooms at ground and first and second levels;
- Lift lobby and provision of void at upper levels at first and second floor levels.

7.3.5. The First Party provide that the loss of 45 no. hotel bedrooms is justified considering the type of hotel proposed where the bar/restaurant is considered a complimentary use. Also, that alterations to the layout of the building from that originally permitted are to facilitate the bar/restaurant, including a larger kitchen, storage areas and a dining area to the rear has resulted in a reconfiguration of the layout of the hotel that

will maintain functionality while still providing a substantial quantum of hotel bedrooms in close proximity to the city centre.

7.4. Design and Layout of the Proposed Development

- 7.4.1. It is proposed to provide a 98no. bedroom hotel over 3 floors (over basement level), with ancillary public bar/restaurant at lower ground, ground, and first floor. The hotel would extend to c.3,315sq.m and the pub/restaurant areas 896sq.m. It is provided that the new build matches the footprint previously permitted and extends to 3,625sq.m. The overall development concept is to provide 4 linked elements arranged around the courtyards and joined by a central spine. The g.f.a of development within the existing buildings is 3,361sq.m. Also proposed are, a courtyard/beer garden, kitchen and kitchen stores, cellars and beer storage, staff facility rooms, customer toilets, plant rooms and bin stores. Regard is had to the detailed description of the proposed development, including as provided within the First Party grounds of appeal. The existing development is made up of eight individual buildings (7 of which are P.S) which are to be combined into one unit as part of this application. This will mean that the eight buildings fronting Camden Street Lower and Upper will be interconnected as seen in the streetscape as part of the overall hotel development.
- 7.4.2. It is provided that the residential character of Grantham Place to the west has informed a significant element of the design with the more active elements of the hotel such as the reception area and bar located away from the residential frontage. The main dining room and bar are to be located at the back of the proposed development adjoining Grantham Place. The drawings submitted indicate the existing fabric to be retained, the proposed internal alterations and new build. Contextual elevations have been submitted showing the existing and proposed elevations to Camden Street and to Grantham Place. The Planning Application Report submitted provides a detailed overview and description of the proposed development. This includes the following relative to a floor by floor basis:
- Lower Ground Floor* – This is proposed to consist of 8no. hotel bedrooms along with staff areas, kitchen storage, general storage areas, a cold beer store, a warm cellar and plant rooms. Two separate courtyard areas of 104.6 sq.m and 265.75sq.m respectively are proposed at this level, which were previously permitted in the 2013

scheme. Also, located at this level area is a 244sq.m dining room, associated customer toilets, passenger lifts and lobby areas.

Ground Floor – A total of 14no. bedrooms with a 214sq.m bar, a chapel dining room, lounge and dining room, lounge and dining areas, a kitchen, bike parking and storage are all proposed at this level.

- 7.4.3. The existing Georgian buildings onto Camden Street are to be refurbished and converted to hotel and restaurant use including lounge, lobby, dining areas and meeting rooms. This is to promote activity at this level and provide an active frontage onto Camden Street. The main entrance to the hotel is proposed at no.49 Camden Street Lower, (which is not a P.S.) and therefore the windows and doors are proposed for removal at basement level of this building to allow for a new glazed entrance. It is provided that the new entrance is to consist of new glazed double doors with signage above and framed by a textured silver grey cladding. Also, that the proposed new entrance is a must for the functionality of the hotel and does not detract inappropriately from the character of the streetscape.
- 7.4.4. A second entrance is proposed at no. 4 Camden Street Upper (P.S), where residents will directly access an entrance lobby, reception and residents' lounge (at no. 5 Camden Street Upper) from the street. This is to further promote activity along the street frontage of the site and it is provided that this is a significant improvement on the level of vitality in comparison to the previously permitted scheme. I would support the retention and viable use of this access, including the use of the attractive front door feature to no.4 Camden Street and the retention of the bullseye stained glass window within the proposed residents lounge.
- 7.4.5. Nos.1-3 Camden Street are proposed for refurbishment as a public lounge and dining area with the main entrance to the public areas being located through the entrance at no.49 Lower Camden Street. It is proposed that the remainder of the terrace no. 50 and 51 Camden Street would become a hotel – meeting rooms. It is contended that the location of the hotel rooms at ground floor level to the rear of the site, bounding Grantham Place will ensure that the residential amenity in the area will be protected which the main activity – hotel arrivals, meeting rooms, lounges etc. takes place on the Camden Street elevation, which is to contribute to the activity and vitality of the area.

7.4.6. *First Floor* – A substantial portion of the hotel accommodation is to be provided at this level with a total of 38 bedrooms. A small dining area (c.54.6sq.m) is provided within the upper level of the Chapel building. 1no. bedroom is proposed in the atrium linking the new and existing buildings, in the same location as 2no. bedrooms previously permitted. This is to improve the setting Chapel Building at the rear. The development involves works and change of use of the chapel building and associated annexes to the rear of no.49/50 Camden Street Lower to accommodate the hotel restaurant and ancillary uses.

Second Floor – Hotel accommodation is proposed across all blocks at 2nd floor with a total of 38no. bedrooms including associated lifts, stairways and lobby areas.

It is of note that the F.I submitted provides further details relative to room sizes, lighting and linkages (interconnections) and also refers to some revisions to the floor plans relative to this issue. An Overall Schedule of Accommodation Areas to all floors including Bedroom Accommodation is provided in these plans.

7.4.7. *Chapel* – The existing chapel building at ground floor level is proposed for conversion to a 165sq.m dining room linked by a new public bar area of 214sq.m. The main kitchen area servicing the development is to be located in the northwest corner of the site at this level. A detailed elevation of the interior of the chapel space is provided as part of the F.I submission.

7.4.8. *Public Bar/Restaurant* – A new link structure is to be provided to the rear of no. 49 providing access to the new accommodation. It is to contain the bar and reception at ground level which links through to a new dining area within the chapel space as well as an atrium for circulation to the front of the gabled front façade of the chapel. Two floors of accommodation are to be provided between the atrium and the rear façade of no.49 rising to below the parapet height of the P.S on Camden Street. Details relevant to the proposed ancillary usage are given in the appropriate section below.

7.4.9. *New Build* – The new build element is located to the rear to the north and south of the existing chapel building with a new link building connecting to the rear of no.49 Camden Street Lower. It is proposed that 2 new external landscaped spaces be provided on either side of the linked building to the rear of Nos. 1-5 Camden Street Upper and nos.50/51 Camden Street Lower respectively. The modern new buildings are to contain 64no. bedrooms and ancillary accommodation over 4 levels (including

a lower ground floor level or semi-basement) i.e. it will appear 3 stories over basement. The new buildings are to be stepped back from the site boundary on Grantham Place and the internal courtyard and new building line is also set back from the existing site boundary on Grantham Place. The effect is a 3 storey scale on the new building line which is set back approx. 3m from the boundary to Grantham Place.

- 7.4.10. The height of the new build is shown as 10 -11m, whereas the sections shown the apex of the roofs of the protected structures facing Camden Street at a higher level. The proposed contextual elevations show that externally there will be little change to the frontage of the protected structures facing Camden Street Lower, other than the alterations to no.49 (not a P.S) to accommodate revised ground floor storey height and access. The main change to the streetscape is as shown relative to the new build frontage on the west elevation (Grantham Place). The elevation of the Chapel is shown retained. It is provided that the removal of buildings (not P.S) along Grantham Place does not have any conservation impact and that the revised built form arrangement at this frontage could not be considered detrimental to the protected structures or character of the area.
- 7.4.11. *External Finishes* – Details including drawings regarding works on external walls have been submitted as part of the F.I submission. This includes that existing sand and cement render will be removed and replaced by lime-based render to rear. Stucco render and decorative finishes will be restored with materials to match the original details. Missing features will be reproduced to match originals (where known) and to conservation architects detail and specification. Reference is had to the David Slattery Conservation Report submitted with the original application.
- 7.4.12. *Plant* – As part of the F.I it was requested that plant be re-located to the lower ground floor. In response, it is provided that there is no space at lower ground floor level to accommodate the proposed plant that is needed for the operation of this hotel. All plant now being provided is to be relocated to the proposed new flat roof addition to the rear of no.50 and 51 Camden Street Lower. Appropriate screening is proposed in more visually vulnerable areas.
- 7.4.13. *Car Parking & Deliveries* – As per the previously permitted scheme, it is not proposed to provide any staff car or patron parking to serve the development. Cycle

parking for staff is provided at the rear of the site off Grantham Place and deliveries will be serviced via this route also. Further details are given in the appropriate section below.

7.5. Regard to Heritage issues

- 7.5.1. In terms of the impact of the proposed development on the interiors of the seven Protected Structures on site and on No. 49 (adjoining but not a P.S) Camden Street it is considered that the general principle of refurbishment and alteration is acceptable particularly having regard to their current lack of a viable use and their poor structural state of repair subject to the design resolution and the proposed works complying with best conservation practices and principles. Internally the buildings are in general in an advanced state of decay and in a relatively dilapidated state and are generally in need of urgent work. Section 7.3 of the guidelines states: *it is generally recognized that the best method of conserving a historic building is to keep it in active use.* While the guidelines also recognize that it is ideally preferable to maintain its original use as this generally involves the least disruption to the character of historic buildings it states: *where a change of use is approved, every effort should be made to minimize change to, and loss of, significant fabric and the special interest of the structure should not be compromised.* This application does not seek to restore the original or last more diverse uses of these historic buildings but proposes to amalgamate their floor levels in order to provide one consolidated use as a hotel and ancillary bar/restaurant areas.
- 7.5.2. It is provided that the proposed works will restore a sustainable hotel use to a group of buildings with some architectural merit, which is particularly relevant given that the previous permission has not been acted upon. There is concern that the continuing disuse of these buildings will hasten their decay and dilapidation which is not in the interests of their retention. At present internally they are not in a habitable state. It is necessary that the proposed development be carried out in accordance with best conservation practice so that the protected elements will not be damaged or compromised. It is provided that the proposal maintains the established character of the street through the use of high quality materials, set back level details and appropriate height relationships. These features of the scheme are considered important to ensure that the proposal integrates successfully into the wider

surrounds. The subject proposal is for a similar scaled development to that already permitted, the changes to the layout usage i.e reduction in hotel bedrooms and provision of a sizable public bar/restaurant areas have been noted above.

- 7.5.3. It is noted that there will be a different layout to rooms and a number of new partitions and interconnections are proposed. It is provided that these are designed to minimise impacts on the protected structures and are justified to restore the buildings to an acceptable standard. The principles of retaining fabric, room volumes and building reversibility are as before. The proposal includes the provision of greater connection to Camden Street than before with the restaurant/pub use extending to all ground floor thereby preserving the use of the historic front entrances. It is also provided that there will be provision of a more generous atrium space to the front of the Chapel through the removal of some bedrooms overhead.
- 7.5.4. Section B5.5 and B5.6 of the Architectural Heritage Guidelines sets out the basic data that should be contained in the analysis of the existing structure as including: *"a description of the structure, recording features of note or historical significance, architectural or engineering design, building materials, building techniques and craftsmanship. Where comprehensive works are proposed, it may be appropriate that this description be carried out on a floor-by-floor basis"*; and, *"a description of the current physical condition of both the fabric and the structure in order to establish the nature and extent of any apparent damage"*. Also Section B2.1 sets out that: *"the object of the assessment should be to describe how the proposals would affect the character of the protected structure or any part of it"*.
- 7.5.5. Regard is had to the Conservation Report and photographic record provided by David Slattery Conservation Architects. This notes that this assessment is further to an earlier one they submitted in 2013, for a similar scope and scale of development proposed on the site which was approved by the Council and subsequently by the Board. Regard is had to the historical context of the area including the importance of the Camden Street area. Also, to the architectural significance of the Georgian buildings. The floor plans submitted include denotation of existing room nos. to be cross referenced with the Photography Survey undertaken by Slattery Conservation. Door and window numbers are also denoted. A Schedule of Surviving Features and Impacts to Interiors on a room by room basis for each of the buildings is included. A detailed description is given of the subject site having regard to exteriors and

interiors along with a summary of the proposed development. Details are given of the restoration of existing fabric, new partitions and en-suites, interconnections. Details are also given of the proposed alterations to the front and rear facades.

- 7.5.6. Drawings have been submitted detailing the demolition works proposed both externally and internally to the existing buildings. As on the previously approved scheme, the impact on Graham Place will comprise the removal of a number of two storey mews type structures of little architectural interest (and as permitted previously on site) with the addition of new structures set back from the existing building line behind new landscaped areas. The dashed line to the rear yard indicates the existing original/historic garden boundary line. The drawings submitted as part of the F.I include further regard to external and internal condition of features in the buildings and to dilapidations. This notes that some items are in very poor condition and are likely to require replacement. These drawings are also relative to fenestration and the conservation issues in relation to changes proposed to the elevational context. This includes existing windows and doors removed at basement level (to no.49 only) to allow for new lowered glazed entrance. The elevations also show that the external elevations of the Chapel are to be cleaned, repaired, and the windows restored in accordance with the Conservation Method Statement.
- 7.5.7. Regard is had in the Conservation Report to the proposed alterations to the rear setting and chapel. A detailed description is given of the importance of the former chapel building. It is provided that the proposals will have an overall positive effect in that they will return the room presently in use as a boxing gym to a sustainable use as a dining area. Also, that the provision of a sustainable restaurant use to this space must be considered to enhance the architectural heritage character of the site despite the chapel not being a P.S. It is provided that the addition of a much enlarged atrium in front of the gable façade of the chapel will allow for new connections and improved vistas from both in and outside the hotel.
- 7.5.8. It is noted that a number of existing structures to the rear of the protected structures are to be removed to make way for the proposed new build, which is to provide for the new hotel accommodation. These generally relate to areas outside the curtilage of the P.S (no.12 Grantham Place and no.49 Camden Street Lower) and comprise fabric not considered to be of architectural significance. The Conservation Report provides that these impacts could not be considered detrimental to the character of

the P.S and will allow for the restored rear facades to be seen within the landscaped courtyard spaces and within the new hotel accommodation. The quality of the spaces between the new build and the rear facades is described in the photomontages. It is not considered that there is any objection to the removal of these buildings and yard areas which currently appeared dilapidated and do not add to the character of the area.

- 7.5.9. It is provided that the existing buildings, despite their poor condition, retain much of their decorative plaster and joinery fabric which would appear to date from the late 19th Century. This is to be retained as part of the works. As proposed in the previously approved scheme, the repair and cleaning of the brick to the front and rear facades, the restoration of the rendered facades and the shopfront and bullseye stained glass window to nos. 4 & 5 and the restoration of the railings and granite features to the street will form part of the works and will significantly enhance the character of the streetscape. It is noted that new wrought iron railings and gates are proposed to match historical railings to front (east) elevation with spear point finial. It is considered that the restoration of and cleaning of the front and rear facades along with granite features and railings to the front of the street will have a positive impact on the character of Camden Street at this location.

7.6. Impact on Heritage

- 7.6.1. This is a sensitive site and there is concern that the proposal does not comply with the appropriate conservation of Protected Structures. Also, that this will impact on the character of the area, in that these historic structures, including the convent chapel are being further eroded by the current proposal which seeks to incorporate the existing buildings many of which are P.S into the current proposal which includes the creation of a large licensed premises. There is consideration that the proposed alterations, including internal alterations will impact on the historic fabric of these structures. This includes regard to the subdivision of existing rooms, incorporation of en-suite facilities, the interconnections of the houses as proposed, closure of individual entrances and the creation of a large bar space being contrary to the proper conservation of the historic fabric.
- 7.6.2. The Council's Conservation Officer provided a review of the planning file particulars and this has regard to the historical context of Camden Street Upper/Lower. It is

noted that nos.1-5 Camden Street Upper and nos. 49 of the SE thoroughfare into the city from the early 18th century. This significant terrace of late Georgian buildings fronts the main artery into the city from the SE suburbs into the Georgian city -, its scale and architectural style with Neo-Classical references indicates its early architectural origins. The site has suffered poor maintenance and buildings that comprise the site have been assembled overtime and many are in a fragile condition. It is noted that site assembly has been supported by the previous planning application and the re-development of a substantial terrace of late 18th century origins of interconnecting buildings has been established. Details regarding the historical context of the buildings are noted.

- 7.6.3. In this application, the C.O reiterates their concerns relative to the interconnection of 8no. buildings to adjoining structures which they consider detrimental to the conservation of the protected structures. Also, that visually the streetscape will have multiple redundant doors and entrance, and to the wider city block which in general has retained its C18th/C19th scale, order and character. The extant buildings were interconnected across the rear of the building through single openings. It is now proposed that every room is interconnected which in the opinion of the C.O is a significant departure in the interpretation of the Georgian core policy.
- 7.6.4. It is provided that the full removal and hollowing out of no.49 at ground floor level with the removal of the Gothic style return and the C19th connection to the chapel is unacceptable in conservation terms. The survival of the C18thGothic style return is a rarity within the city and the potential re-use of this unique return should be considered. Whilst the C.O accepts that no.49 is now established as the main entrance to this site the full removal of all its structural coherence is unwarranted particularly as it will have a negative impact on the adjoining P.S. The C.O recommends the revision of the plans to retain element of the rear wall and the original plan form as part of the reception foyer.
- 7.6.5. They are concerned that the proposed structural modifications/demolitions to achieve this interdependency have been carried out with little regard to architectural significance or reversibility. Also, regarding the subdivision of rooms, the vertical drop in ceilings and the impact on internal features is significant. In addition, the insertion of 2no. lift shafts within the historic footprint is not supported due to the structural undermining it will cause in the long term.

- 7.6.6. The Conservation Officer considers that there is a minimal conservation/planning gain in respect of these protected structures. They are concerned about the minimal setback of the new build elements and the relationship to historic buildings has not been well thought out. Also, that the conservation related details submitted are inadequate and advise that the applicant demonstrate the cultural significance of the respective buildings and how this is going to be safeguarded in line with best conservation practice i.e the process of re-development/refurbishment – in particular the convent use and glasshouse tradition. The importance of the chapel in the grouping of buildings is noted below.
- 7.6.7. They requested that detailed F.I be sought relative to heritage issues and the impact of the proposed development. This included that a set of plans be submitted indicating the previously approved scheme with the current proposal. Also, that justification be given for the scope of the intervention and fabric removal proposed. There is concern that the removal and re-making on alike for like basis is problematic as it removes authenticity and is not supported where conservation in-situ can be achieved. They requested that the cultural significance of the respective buildings be safeguarded on an individual basis and the special character safeguarded and distinguished in the proposed plans.
- 7.6.8. A response to the Council's F.I request has been submitted from David Slattery Conservation Architects. Drawings have also been submitted relative to details of structural, conservation repairs and fire upgrading. Comparison drawings showing the permitted and proposed schemes on a floor by floor basis have been submitted. Details of proposed interventions as well as joinery details are provided on the plans/drawings submitted to include additional detail about the existing fabric and proposed interventions. It is provided that the scope of intervention is in accordance with the recommendations of David Slattery Conservation Architects as outlined in their Conservation Report submitted with the original documentation.
- 7.6.9. The F.I includes that specific details will be agreed on site with the architect and conservation architect as different elements of the existing fabric are at various stages of decay. Revised drawings also show additional details of surviving fabric and decorative elements. Items such as staircases, floorboards, ceilings etc. that are in very poor condition are likely to require replica replacement as described by the detailed keyed photo record by David Slattery Conservation Architects. The report

and schedule of timber decay within the buildings is referred to, as are drawings showing decay and proposed interventions.

- 7.6.10. It is considered the importance of the rear of no.49 within the historical terrace from which the structural setting should be considered. For this reason, it was recommended that the new build element to the rear of no. 50-51 Camden Street Lower should be realigned to be parallel as per the new build to the rear of nos. 1-5. They sought confirmation on a number of issues relative to structural intervention including to achieve the open plan space within no.49 and likely impact on the adjoining party walls of the protected structures. They requested the redesign of the glazed atrium to accommodate the survival of the Gothic return within the building plot no.49, to retain the historical connection to the chapel and to reduce the impact on the façade of the chapel structure.
- 7.6.11. The importance of the chapel in this group of buildings is noted. This includes the structural intervention to the chapel structure to achieve the viewing balconies from the adjacent space i.e. a detailed elevation of the primary chapel space and its interior decoration to be provided. Also, that the proposed connecting through to an adjoining dining space will remove significant fabric from the chapel and should not be supported. As part of the F.I a detailed elevation of the interior of the chapel space is provided. This includes regard to the decorative features of this space. It is the opinion of the CO that the atrium should step down to the façade of the chapel and that the proposal for the overbuilding of the chapel façade is not justified based on the accessibility of lifts within the new build blocks. They note that there is a lack of information regarding the structural design of the atrium.
- 7.6.12. The F.I submission includes regard to construction methods, in particular relative to the protected structures. This includes a new structural frame to be installed in lieu of existing walls to be removed. It is to be constructed independent of the adjoining party walls of the protected structure and is therefore considered to have no impact on the existing structure but to offer stability to the existing built form and therefore have a positive impact on the building. The C.O provided that the underpinning of the chapel is not supported to facilitate the encroachment of a substantial basement area. The F.I provided that the viewing balcony will be constructed using a structure that is self-supporting and completely independent to the existing chapel building. This includes regard to construction methods to ensure that there is no impact on the

existing chapel building, including not undermining the existing foundations. It is provided that vibration monitors will be installed on the existing building all works undertaken will be in such a manner that vibrations are within code recommendations of current standards (BS738).

- 7.6.13. A 3-D model was requested to show the scale and interconnection of the proposed atrium in terms of the surviving building fabric and roof profiles. This was not submitted as part of the F.I. The C.O suggested that the basement area be preserved as a feature of the historic landscape. Also, that the retention and appropriate repair of the original window openings to the protected structures as an integral part of the plan. They recommended the omission of the proposed lifts within the historic core to avoid adverse impact to the surviving structures and features.
- 7.6.14. It is of note that the C.O. recommendation includes the following structural revisions to the historic/protected structures. To the Lower Ground, Ground, First & Second Floors they recommend the omission of 2 no. lifts, omission of the demolition of the Gothic return structures and C19th link, retention of the structural legibility of no.49 interior, retention of structural/historical openings within the front and rear façade, retention of the original staircase in-situ and their conservation. As part of the F.I it is noted that as shown on the drawings the additional lift has been removed from the historic core. It is recommended that lifts be confined to the new build at the rear and that this be conditioned should the Board decide to permit.
- 7.6.15. They recommend relocation of plant from the roof. Subsequently the revisions for alternative arrangements presented at F.I stage are noted. It is provided that an appropriate development approach to the retain the significance of the site, which allows for the historic fabric to retain its historic footprint within the new development with an appropriate setback for the new build from the extant structures is guided. The C.O considers that the proposal is contrary to current planning policy as it does not adequately support the regeneration of the historic fabric nor demonstrate best conservation practice and should not be supported as it establishes unfortunate planning precedent to this very important site and streetscape.
- 7.6.16. David Slattery Conservation Architects concludes in the response to the F.I that the comprehensive additional information provided by KDP Architects has described the restoration in detail, clearly favouring retention of fabric over replica replacement in

accordance with the DoAHG Guidelines and the Outline Conservation Specifications already submitted. They consider that this aspect of the proposal will enhance the character of the Protected Structures and guarantee that important fabric is retained. They note that the particular concerns in relation to impacts resulting from structural, services and fire interventions have also been addressed in the updated drawings by KDP Architects and the Structural and Services Engineers.

7.6.17. Regard is had to the detailed comments of the Council's Conservation Officer provided in their 'Review of the Additional Information Submission'. These include concerns regarding lack of detailed information submitted and having regard to too much structural intervention and the level of interconnectivity proposed relative to conservation issues. While interconnectivity has been permitted in the previous application, the applicant proposes to increase interconnections and it is considered reasonable to omit some of the additional interconnections by condition. In this respect the Council's Condition no.7 is noted relative to the reduction of new interconnections and to protect the plan form. The First Party have not appealed this condition and it is recommended that if the Board decides to permit that such a condition be included to reduce the level of interconnections proposed, similarly conditions relative to best conservation practice.

7.6.18. Therefore, taking all the extensive documentation submitted into account, while there are concerns, there are no fundamental objections to the principle of the development or the regeneration of the site. It is considered that as these buildings are currently unoccupied, much of the interior and exterior building fabric is suffering from ongoing decay, through poor quality maintenance and are in urgent need of attention. Therefore, subject to best conservation practice the proposed hotel use is an appropriate use as was confirmed in the previous permitted application for such use on this site.

7.7. Archaeology

7.7.1. The site of the proposed development is within the Zone of Archaeological Constraint for Recorded Monument, DU018 051, which is protected under the National Monuments (Amendment) Act 1994. The site is also shown located within a 'Zone of Archaeological Interest' as shown on Map E of the DCDP 2016-2022. In terms of archaeology, as the site has identified archaeological potential due to its

proximity to a recorded monument an archaeological condition should be included should the Board be mindful to grant planning permission. It is noted that the Council have included a detailed condition on archaeology, condition no.9 refers. It is recommended that an archaeological condition be imposed and regard is also had to condition no.17 in the Board's previous decision on this site. Moreover, a condition should be imposed to ensure that the basement of the new build does not have any adverse impact on the structural stability of the historic buildings on site including their basement structures.

7.8. Impact on the Character and Amenities of the Area

- 7.8.1. While the regeneration of the area is to be welcomed, and the buildings need upgrading, there is concern that this proposal is inappropriate to the needs of the immediate area including the residential above shops and on the roads off Camden Street Lower. Although it is considered that while the proposed development will improve the streetscape, concerns remain that the development as proposed is not sufficiently providing for a mixed use development or adding enough variety, activation and vitality at street level on Camden Street. Camden Street is a designated Market Street and as such, a mix and variety of retail, café, bar, restaurant and other uses should be considered in order to add vitality and character to the area. There is concern that there is limited active street frontage to be provided onto Camden Street and additional retail/café units should be provided along this frontage.
- 7.8.2. A strong vibrant mix of uses including shop fronts is not being created along the Camden Street frontage (c.50m) which does not allow for a good quality streetscape. They would welcome a condition requiring that the applicants add one or two retail or café units at 1,2,3,4 and 5 Camden Street Upper and in addition another retail or café unit at 50 or 51 Camden Street Lower. It is noted that the current application only has two active doors to Camden Street and there is concern that the proposal does not provide for an adequate level of street activation and vitalisation on Camden Street Upper and Lower. It is noted that the café previously proposed on the Camden Street frontage of nos. 4 and 5 Camden Street Upper (PL29S.243008 refers), will be used for the hotel reception and lobby area in the current proposal.

7.8.3. They consider that the proposed height and contemporary design of the new build will set an undesirable precedent for an area of traditional architecture, which is not in the interests of the character of the area. Features such as the old stone wall opposite no.9 Grantham Place should be incorporated into the development. There is concern that the applicant is proposing to construct a 3 storey bedroom wing with basement adjacent to the north party wall of no.6 Grantham Place. They consider that this will impact on the foundations of this wall and request that it be re-constructed at a cost to the developer, with all materials, height and finish agreed prior to construction. Also, that overall the development including the ancillary bar/restaurant usage will have an adverse impact on the residential amenities of the existing compact urban residential area.

7.9. Noise

- 7.9.1. It is proposed to install an ESB substation and to locate the kitchens and other service areas adjacent to Grantham Place. There is concern that this will create additional noise and disturbance for local residents. They request that the hours at which bin and/or glass collections may take place should be strictly limited as a condition of any planning permission.
- 7.9.2. The Council's Environmental Health Officer requested that prior to approval that a Noise Report should be submitted, to have regard to existing background noise levels, likely noise levels resulting from patrons using the external courtyard areas, likely noise levels arising from the plant rooms, ESB substation, refrigeration equipment, kitchen extraction units and any other mechanical plant proposed.
- 7.9.3. A Noise Impact Assessment of the proposed development has been prepared by AWN Consulting and submitted as part of the F.I. Figure 3. notes that the nearest noise sensitive locations are the residential properties in Grantham Place. This Assessment has regard to existing levels of background noise, the level of noise generation during the construction and operational phases. The latter includes regard to noise from patrons occupying external areas, handling of bottles and waste bins, deliveries of goods and building services noise. It is provided that mitigation has been proposed for building services noise and patrons occupying the proposed courtyard areas. This includes recommendations on restrictions on the hours of servicing and deliveries. It is provided that the plant machinery can be specifically

configured at detailed design stage to minimise impacts on the nearest noise sensitive receptors and details are given of such measures.

- 7.9.4. It is envisaged that once this mitigation is implemented that all noise generated during the operational phase of the development should be within appropriate levels and that impact will be within best practice noise limits. It is noted that JD Wetherspoon has an operational Noise Management Plan (a copy of this Report is included) with a proven track record of successful implementation. It is also noted that due to the narrowness of the road and the location of the service area there could be some impact on those living on Grantham Place. It is recommended that if the Board decide to permit that appropriate noise control conditions be included including restriction on servicing and delivery times and that the mitigation measures recommended in the AWN Consulting Report be implemented.

7.10. Regard to the Public Bar/Restaurant

- 7.10.1. There is concern regarding the creation of a super-pub and its associated beer garden, which the Third Parties consider will result in an intensification of the development, an increase of anti-social behaviour and noise pollution, to the detriment of residential amenities in the area. They have regard to issues with noise and disturbance from late night premises already in the area and consider that the proposed hotel development with associated restaurants and bars, including beer garden will create unacceptable levels of noise and disturbance for local residents. They consider that the scale of the proposed use and unsocial hours of opening will be detrimental to local residences, in particular in Grantham Place. Also, having regard to servicing, deliveries etc. There is concern that late-night opening and amplified music etc will lead to disturbance for local residents. They consider that the noise, nuisance, refuse and rubbish associated with a Super-Pub of this size is not suited to this site. They note that there is already an over concentration of licensed premises in the Camden Street area and that this is to the detriment of the amenities of local residents. They consider that it will lead to an over concentration of bars in the wider Camden Street area, undermining the character of Camden Street independent traders and smaller pubs and impacting upon the amenity of the adjoining residential areas.

- 7.10.2. They also refer to the need for hotel bedroom accommodation and retail in the city centre. It is noted that condition no.12 of ABP Ref. PL29S.243008 (as noted in the History Section above), permitted an ancillary licenced restaurant/café but specifically omitted a public bar etc. on any part of the subject site. The First Party provide that the restaurant that was previous proposed in the chapel building at the rear will continue to be used as a dining area in the current proposal. However, I would consider that if the Board decide to permit that a condition similar to condition no.20 of the Council's permission should be included.
- 7.10.3. Section 16.32 of the DCDP 2016-2022 provides the criteria for consideration of entertainment venues such as Night Clubs/Licenced Premises/casinos/Private Members' Clubs. This notes that there is a need to strike a balance between the role of entertainment uses in the economy and *to maintain high-quality functions on the primary city centre streets and ensure a balanced mix of uses; to protect the amenities of residents from an over-concentration of late night venues*. It notes that noise emanating from these venues and noise reduction will be required to be submitted with the application. It also provides: *The development of 'superpubs' will be discouraged and the concentration of pubs will be restricted in certain areas of the city where there is a danger of over-concentration of these to the detriment of other uses*. It is also provided that: *the onus is on the applicant to demonstrate that such proposed development will not be detrimental to the residential, environmental quality or the established character and function of the area*. Matters to be taken into account in assessing such application proposals include regard to the amenity of neighbouring residents and occupiers, hours of operation, traffic management, shop frontage treatment and impact on street scape, proposed signage.
- 7.10.4. It is provided that the proposed hotel/restaurant/bar use is considered as complimentary to the uses already in the area and is an important addition to the tourism economy of Dublin City. Brock McClure have prepared a map of the existing uses on Camden Street illustrating the breakdown of bars, restaurants and hotels in the area. It is noted that there are 12 bars on Camden Street/Wexford Street with only 2 of these being located at the southern end of the street in close proximity (less than 100m) to the site. It also shows that there are 36 cafes/restaurants in the wider area. In their response to the concerns raised about this issue in the grounds of appeal they refer to this map and provide that this does not represent an

overconcentration of bars in this City Centre location. They consider that the subject proposal will be complimentary to the provision of the hotel accommodation. They do not agree with the 'super pub' connotation and note that the actual bar area proposed is 240sq.m, which they provide could not be considered as exceptionally large in the area. The other public areas within the hotel are largely dedicated to seating areas for customers who will primarily be availing of the established food offering.

- 7.10.5. It is also provided on behalf of the First Party that there will not be late-night opening hours to protect residential amenity in the locality and guest amenity within the hotel and that this will serve to reduce anti-social behaviour. Also, that JD Wetherspoon is committed to best practice and high standards of management. The restaurant will be open to serve guests and members of the public with alcohol being served in accordance with appropriate licensing laws. It is provided that the public bar/restaurant area has been sensitively sited away from the residential environment of Grantham Place and it is not intended as a late-night destination. The venue will be focused on the service of food with a complimentary drinks service and no amplified music. The details submitted with the application include JD Wetherspoon Code of Conduct for responsible retailing and they provide that they are fully committed to upholding the objectives of that code.
- 7.10.6. They provide that the pub will be open to serve breakfast from 07.00am and will serve alcohol in accordance with licensing laws. Also, that they will not be seeking a late licence at this premises. A full food menu will be served all day until 11.00pm. They confirm that the proposed closing times for the public bar/restaurant areas are to be – Mon-Thurs: 11.30pm, Fri – Sat: 12.30am, Sunday: 11pm. There are concerns from local residents that these opening hours are very late and will lead to noise and anti-social behaviour.
- 7.10.7. It is proposed that the lower ground external beer garden areas will permit smoking by customers. The established smoking area is retained at the currently permitted location with the provision of new garden areas Overall this area comprises c.370sq.m.
- 7.10.8. Regard is had to the Noise Impact Assessment prepared by Awn Consulting, which is referred to above. This has regard to existing background noise and notes that the

predicted noise levels resulting from patrons using the external courtyard area are within the recommended day and night-time criteria as outlined in the assessment. Having regard to noise, they provide that there will be no music of any kind either in the pub or on terraced areas. The Observers have concerns regarding the scope of the AWN Consulting Noise Impact Assessment Report, in particular relative to residential amenities at noise sensitive locations. DMVF Architects note their concerns relative to the AWN Report regarding the residential amenity relative to nos.8&9 Camden Street Upper. They are concerned that there is no buffer between the proposed courtyard and the adjacent residential properties. Not having amplified music in the courtyard will just mean that customer noise will be more audible. Noise is a significant issue for local residents due to the number of licenced premises and entertainment uses in the Camden Street area. Servicing and deliveries will also increase noise.

7.10.9. Primary pedestrian access for the proposed development will be via the Camden Street frontage and the site will be serviced from Grantham at the rear. The F.I provides that patron circulation and access to the lounge and dining areas in no.1-3 Camden Street at Ground Floor Level and to the courtyard and dining room at Lower Ground Floor Level can be achieved via direct access and details of the route are provided on the plans submitted. It is shown that access to the seating areas at Ground and Lower Ground Floor from the bar area are relatively straightforward. It is also provided that the heritage values associated with the rooms at the front elevation are maintained which ample seating is provided for patrons of the bar and restaurant. In this respect, it is considered that in the interests of the residential amenity of Grantham Place, if the Board decide to permit that it should be conditioned that patron access to the licensed premises should only be from the Camden Street access (except relative to fire safety) and not from Grantham Place.

7.10.10. It is provided in the F.I submitted that the reduction in hotel rooms is largely as a result of the operational requirements of the proposed hotel with ancillary pub/restaurant. JD Wetherspoon is an established bar operator and has only recently branched into the hotel operation business and therefore an element of bar/restaurant is considered essential to provide a feasible dual operation at this location.

7.10.11. Relative to cooking operations it is advised that the 'Fat Stippa' system (details are submitted) will be installed at all relevant points in the kitchen and food preparation areas. This system will be supplied and maintained by FS Engineering Ltd. And is used by JD Wetherspoon in many other pubs throughout the UK and they are therefore familiar with its successful operation and maintenance.

7.11. Regard to Condition no.3

- 7.11.1. One of the main differences from the previous application is the inclusion of a public bar. The ground floor comprises of a public bar of 214sq.m located at no.49 Camden Street Lower and in the link building. The residents lounge and lounge and dining in nos.1-5 Camden Street comprise of approx.165sq.m. Therefore, the total bar area comprises approx. 379sq.m. There is also to be a 244sq.m dining room at lower ground level and a courtyard containing tables, of 265sq.m which is accessed off the dining area. The chapel dining room comprises of approximately 219sq.m. Therefore, the restaurant/dining area comprises of approx. 728sq.m which is an increase of 438sq.m from the previous application. Therefore, restaurant/bar/courtyard gardens with tables and chairs amount to 1,184sq.m of floor space, which is considered a considerable quantum of development in this area. This application proposes an increase of approx. 500sq.m of dining area and adjoining outdoor seating towards the rear of the site in close proximity to existing residential and adjoining Z1 zoned lands. It is of note that Third Party objections have raised concerns in relation to the impact of this 244sq.m dining room and 265sq.m courtyard on the residential uses on Grantham Place and on Grantham Street. It is considered that this is extensive and excessive.
- 7.11.2. In contrast the previous application Reg.Ref.3316/13 had approx. 71.3 sq.m café at ground floor level fronting onto Camden Street, which has been omitted from the current scheme. The ground floor of no.49 Camden Street comprised of the hotel reception and bar. The Chapel comprised of a restaurant of approx.219sq.m. Therefore, there was approx. 290sq.m of restaurant/café permitted and a bar/reception in the ground floor of no.49 Camden Street.
- 7.11.3. The Council's F.I request noted that the applicant was advised that the lower ground floor plan as set out in the previous planning application Reg.Ref. 3316/13 is a more preferable arrangement. They were concerned that this proposal would lead to an

additional approx. 500sq.m of dining and outdoor space of bar/lounge and dining area. They recommended that the proposed lower ground floor dining area and outdoor seating area be omitted by condition.

7.11.4. The First Party Appeal is against Condition no. 3 of the Council's permission. This is as follows:

The use of 244sq. 'dining' area and associated courtyard with tables and chairs of 265sq.m at lower ground floor shall be omitted and prior to commencement of development the developer shall submit revised plans for the written agreement of the Planning Authority indicating the use of this south-western block at ground floor level for use as hotel bedrooms as per the 3316/13 application and indicating the revised location of the bathrooms at lower ground floor level.

Reason: In the interests of residential amenity.

7.11.5. The First Party submit that this condition is unwarranted and should be removed from the grant of permission. They provide that there are very clear operational reasons for the layout submitted under the current application. They include a Table showing the differences between the previously permitted scheme (3316/13) and the proposed scheme (2045/16) in terms of the number of hotel bedrooms i.e. a reduction of 45no. bedrooms. The main difference in room nos. occurs at Lower Ground Floor level where a number of bedrooms proposed in the permitted scheme are replaced by a dining room and back of house facilities such as kitchen store, plant rooms and cold beer store.

7.11.6. They provide that of the 1,184sq.m of bar/restaurant/lounge/dining/outdoor seating area proposed in the new scheme (2045/16), the two outdoor courtyard area at lower ground level, totalling 368.35sq.m were also proposed in the permitted scheme (3316/13). These areas did not form part of the overall floor area figure that was presented in the previous 2013 permission, however were permitted by the Council. They consider that it is not logical for the P.A now to ask that these areas be omitted in this revised proposal. It is of note that the Observers provide that the courtyard should be considered in the context of the super-pub. The previous proposal was for a courtyard attached to a hotel and ancillary restaurant and bar facilities rather than as a beer garden attached to a super pub. They are concerned that the hotel will now become the ancillary use.

- 7.11.7. In addition to this courtyard area at Lower Ground Floor Level a dining room of 244sq.m is also proposed as part of the new scheme. As identified on the drawings submitted as part of the F.I submitted, the internal bar area at Ground Floor Level has an almost identical floor area in both the previously permitted scheme (3316/13) and the newly proposed scheme (2045/16). It is of note that local residents i.e. the Third Party and Observers are concerned about the over intensification of the development and in the interests of the preservation of residential amenities support the retention of this condition rather than the reversion to the permitted layout, which provides for a reduction of hotel bedrooms.
- 7.11.8. In this case most of the reduction in bedrooms is at the lower ground floor level and is as a result of the operational requirements of the hotel provider to accommodate the facilities at lower ground floor level. The First Party consider that the reduction in hotel bedrooms at this level is justified on the basis for the need to provide customer bathrooms and additional seating areas for restaurant use. It is provided that a reduction in seating and provision of adequate customer services would reduce the viability of the hotel and bar. They also submit that an adequate buffer would be provided to the residential areas in the vicinity of the site. They request the removal of condition no.3 to allow the south western block at lower ground floor to remain as currently proposed.
- 7.11.9. In this respect the Third Party is concerned that the previous permission was for a hotel with a modest ancillary bar and restaurant at no.49 Camden Street for the exclusive use of the hotel customers, whereas the current proposal is to remove 45 of the permitted bedrooms, and substitute these with a super pub. They consider that the current proposal is contrary to condition nos.11 and 12 of the Board's permission Ref.PL29S.243008 which specifically restricted the use of the development.

7.12. Regard to Revised Design Option

- 7.12.1. The First Party contend that the underlying reason behind the Council's Condition no. 3 is the protection of residential amenity. They provide that the proposal as originally submitted provides adequate protection for residential amenity, particularly considering the noise impact assessment submitted as F.I stage that states the level of noise from the proposed use would be negligible in the context of city living. They provide that the bathrooms cannot be moved from the current location without having

a significant impact on the operability and layout of the overall hotel. Also that the size and location of the dining area is required for the functionality of the overall hotel. However, should the Board consider that condition no.3 be retained, they put forward a modified scheme at the south western block of the lower ground floor that reduces the area of dining space and includes additional hotel bedrooms.

7.12.2. They consider this revised scheme more favourable for the operability of the subject proposal than that previously permitted in 3316/13. The revised scheme proposes an additional 6no. hotel bedrooms to give a total of 104 bedrooms. The revisions also incorporate a reduction in the dining area from 244sq.m to 113sq.m with the customer toilets also being reduced in area. The courtyard is maintained in this proposal, which maintains the building footprint and they provide is in line with what was previously permitted in 3316/13. Revised drawings have been submitted showing the proposed modifications.

7.13. Conclusion on Design, Layout and Usage Considerations

7.13.1. Regard is had to the documentation submitted and to the proposed revisions to the application. It is considered that the while the principle of a hotel development has been established on this site, that the nature of this application while broadly similar in footprint is different from that previously granted permission in Ref.PL29S.243008. It needs to be viewed as a new proposal in its own entity. The reduction in hotel rooms at lower ground floor is largely as a result of the operational requirements of the proposed hotel with ancillary pub/restaurant. This allows for a much greater emphasis on the provision of ancillary bar/restaurant facilities particularly at ground and lower ground floor levels. The considerable neighbour concerns have been noted, as have the responses on behalf of the First Party JD Wetherspoon.

7.13.2. While the information submitted with this proposal acknowledges the shortage of hotel bedrooms in the City Centre, it then proposes the reduction of 45no. bedrooms over what was previously approved. It is also seen that there is a considerable concentration of facilities such as licensed premises in the Camden Street area. While access and servicing appear to be feasible, and previously accepted on this site, the difficulties in the constraints of the site and in using the narrow, more residential Grantham Place rear access for servicing and deliveries have been noted and regard is had to the relevant section below.

- 7.13.3. Regard is had to the Council's condition no.3 and the modifications proposed as an alternative in the First Party appeal relative to the reduction to the dining area. While this is preferable in that it includes another 6no. bedrooms making a total of 104no. bedrooms, this is still a considerable reduction on what previously permitted. It also allows for a dining area of 113sq.m in an area previously shown for hotel bedrooms and the retention of the larger courtyard of 265.7sq.m. In view of the constraints of the site I am not convinced that this reduction in floor area relative to the ancillary facilities to the main hotel accommodation use is sufficient.
- 7.13.4. If the Board decides to permit I would recommend that it be conditioned there be some modifications and that this area on the lower ground floor i.e the south western block be used for hotel bedrooms as per the Council's Condition no.3. I would recommend that part of the central link area on the lower ground floor (currently shown accommodating 2no. bedroom, a lobby and housekeeping area) be part used as a dining area with a maximum of 110sq.m floorspace and that the adjoining courtyard garden area of 104.6sqm be used as ancillary to this. This would also serve to provide the facility relative to JD Wetherspoon, be beneath the public bar area on the ground floor, closer to the main access route from no.49 Camden Street and to locate the ancillary usage further from the residential in Grantham Place. The revised plans should also include the relocation of the proposed toilets from the south western block.
- 7.13.5. There is concern that this proposal is for a large mono-use rather than a mixed-use development as suggested by the Z4 zoning objective. Also, that the provision of a super pub would not add to the character of the vitality of the area. The proposal development will only have two active elements along the Camden Street frontage. The Observers would welcome further retail/café uses along this frontage. It is noted that the remaining series of doors will all be Fire doors for use in emergency only.
- 7.13.6. Regard is had to the Board's Condition no.12 in the extant permission Ref. PL29S.243008, and it is considered that it may be preferable in the interests of the vitality of the Camden Streetscape to provide a café usage, ancillary to the hotel on the ground floor of nos. 4 and 5 Camden Street. This would have the advantage of using the attractive entrance to no.4 and having the bullseye window within the public usage. However as shown on the drawings the current proposal also uses this

entrance and retains the bullseye window in the resident's lounge area, rather than as a separate café use.

7.14. Access, Parking and Servicing

- 7.14.1. Camden Street is a very busy road and Grantham Place is a very narrow road at the rear, there is concern that there is not sufficient capacity for the proposed development. Also, that the lack of provision for car parking will mean that additional traffic generated by the development will lead to congestion in the area. There is concern that failure to provide any dedicated parking for staff and guests of the proposed hotel, bar and restaurant will lead to a considerable increase in demand for existing parking spots in the area, where it is already difficult for local residents to secure parking. The nearest public car parks are located some distance away. It is also noted that no set down area has been provided for coaches and taxis. It is of note that part of the yard area to the rear of the buildings, is currently used for car parking the entrance is opposite nos.13/15 Grantham Place. A sign on the entrance says 'Camden Court Hotel & One Pico Restaurant car park'. It is proposed that this area be incorporated into the new build, so this parking area will no longer be available to other users.
- 7.14.2. It is provided that the two closest hotels of comparable size i.e. Camden Court Hotel (4 storey new build opposite the site) and the Hilton Hotel Charlemont Place have been properly planned and constructed with adequate car parks for guests and set down areas for coaches and taxis. There is also the Camden de Luxe Hotel and Nightclub located further to the north on Camden Street Lower, which does not provide any parking. The closest car park is at Stephens Green Shopping Centre operated by Q Park. While it is noted that other Dublin city centre hotels such as the Gresham and the Best Western Academy Hotel are cited as without carparking, the Gresham does have its own private carpark and guests of the Best Western Academy Hotel Cathal Brugha Street have by special arrangement the use of the proximate Q Park Clerys Car Park on the corner of Cathal Brugha Street and Marlborough Street.
- 7.14.3. The maximum car parking standards are provided in Table 16.1 of the DCDP 2016-2022. As shown on Map J the site is located within Zone 1 and the standard provides for 1 space per 4 bedrooms. Therefore, the requirement in this case for 98 bedrooms

would be 25spaces. It is proposed to provide 10no staff cycle parking spaces accessed from Graham Place. Table 16.2 provides the Cycle Standards (i.e. 1 per 10 bedrooms, minimum of 10 cycle spaces) and this proposal would comply with these.

7.14.4. While there is availability of public transport in the area (buses and the Harcourt Street Luas) there is concern that such a development will bring significant extra cars into the area regardless of the availability of public transport. As per the permitted development, having regard to the city centre location of the site and to its proximity to public transport links the Roads Section provides there is no objection to the lack of car parking provision. This is reiterated in the Punch Consulting Engineers Report which provides that no significant increase in traffic generation to and from the building is expected as a result of the development. The site is well served by the streetscape pedestrian facilities of the inner city, a cycle lane along Camden Street Lower and by various modes of public transport.

7.15. Servicing and Deliveries

7.15.1. There is concern that servicing arrangements via the narrow Grantham Place are not workable and will lead to congestion issues, including for the proximate residents in Grantham Street, opposite the junction with Grantham Place. Also, that there will be a danger to vulnerable users such as pedestrians and cyclists. Due to the narrow width, it is not possible for two vehicles to pass on Grantham Place. That the accommodation road is too narrow to allow for the access of large trucks, bin trucks etc. Regard is had to the photographs submitted by the Third Party. There is no space for a loading bay at the front of the application site. It is noted that the proposed loading bay is directly opposite nos.13-15 Grantham Place, which is not in the interests of the amenities of these residents. Access routes for construction deliveries need to be addressed and there is concern about safety implications. It is queried whether alternative access could be considered and that construction traffic access the development from the Camden Street side only. While congestion of this busy heavily trafficked main route must be avoided, it is noted that the Punch Consulting Engineers Report submitted with the First Party Response notes that there are loading bays on the surrounding road network where loading and unloading can occur and delivery by hand to the subject premises as is the current

situation for a number of premises in the city centre. It is also suggested that to mitigate this a redesign of the delivery area is needed and vehicles should only be permitted to use dedicated loading bays and/or the applicant's service yard and that these vehicles should be prohibited from parking on double yellow lines on Grantham Place and Grantham Street.

- 7.15.2. It is provided that the pub will be serviced at appropriate times from the existing access point off Grantham Place. Also, that there is adequate space to accommodate the delivery vehicle given the current arrangements for servicing the proposed public house. Deliveries, collections and outside disposal of waste and bottles from the premises are not to be at times that would disturb local residents. It is provided in the F.I submitted that the handling of waste and particularly glass waste will be restricted to day time hours of 8.00am to 7.00pm with specific restrictions on the emptying of glass bins to prohibit the emptying of these bins during night time hours.
- 7.15.3. There is also concern how refuse trucks will service the proposed development given the restricted width of Grantham Place. Also that it be conditioned that all glass bottle and other waste remain in the applicant's service yard until collected and not be stored in Grantham Place or Grantham Street pending collection. The First Party response provides that the storage of empty bottles from the proposed development will be securely stored within the dedicated waste storage area to the rear of the property and will be collected at an agreed date and time. It is considered that there is a need to ensure that the proposed development will function and operate in a way that is sustainable in the long term interests of the applicant and the neighbouring business and residents.
- 7.15.4. The Council's Roads Streets and Traffic Department note that the proposed development is of a similar scale and layout to that which was permitted by the Board (Reg.Ref.3316/13 – ABP Ref: PL29S.243008 refers). It is noted that the permitted development has no associated car parking and has similar servicing and delivery arrangements from Grantham Place. Therefore, it is considered that this has been accepted in principle. An off-street loading area has been provided within the development site. It is proposed that all delivery vehicles will be transit type vans. It is noted that auto-track drawing for the proposed delivery vehicles has been included in the Punch Engineering Report. In this regard, it is noted that Dublin City Council

has a ban in place on vehicles above a certain size and weight, and it is reasonable to conclude that servicing and deliveries would be mainly carried out by transit vans at a city centre location.

7.15.5. The Roads Section recommend that a Servicing Management Plan be prepared for the development. They also recommended that a Construction Management Plan be submitted. It is of noted that preliminary versions of these were included as part of the Council's F.I. request. Details are also provided relative to the frequency and length of time associated with deliveries. Regard is also had to the swept path analysis submitted showing vehicle manoeuvres. It is anticipated that deliveries can take place off-street with no subsequent impact on regular operations of Grantham Place as illustrated on the Engineering drawings provided. It is recommended that if the Board decide to permit that conditions be included relative to management of servicing and deliveries, hours of operation etc and that detailed Servicing Management and Construction Management Plans be submitted.

7.16. **Construction**

- 7.16.1. A Preliminary Construction & Demolition Waste Management Plan has been submitted by Punch Consulting Engineers and it is provided that this has been prepared in accordance with the relevant standards. Regard is had to compliance with Best Practice, Reuse of Waste, Recycling of Waste and the Overall Management of Construction and Demolition Waste. Note is had, of the need for a Project Waste Management Plan to be implemented.
- 7.16.2. Details are also given relative to a Construction Management Plan. This includes regard to Disposal of Water, Wastewater and Sewage, Water Disposal, Working Hours, Waste Management Control Policy. It is envisaged that parking of construction vehicles will be stored on site. Section 3.8 refers to Traffic Management Procedures/Generation. This includes that all construction traffic will arrive from the rear entrance at Grantham Place and details are given relative to such, including deliveries and HGVs entering the site.
- 7.16.3. Note is also had to mitigation measures to alleviate dust relative to Air Quality, measures to control Noise and Vibration. This is particularly relevant to the impact on residential in Grantham Place, where it is noted that during the demolition and

construction phase of the project there will be some impact on nearby properties due to noise emissions from site traffic and other activities. However, given that the demolition and construction phase of the project is temporary in nature, it is provided that it is expected that the various noise sources will not be excessively intrusive. Also that furthermore, the application of restrictions on noise limits and hours of operation, along with implementation of appropriate noise and vibration control measures, will ensure that noise and vibration impact are kept to a minimum.

- 7.16.4. An Indicative On-Site Waste Construction & Demolition Waste Management Plan which includes Proposals for Minimisation, Reuse and Recycling of C&D Waste is included. It is provided that if permission is granted the Contractor will produce a Formal Construction Stage Construction and Demolition Waste Management Plan for the proposed development which will be agreed with the Council prior to commencement on site.

7.17. Drainage

- 7.17.1. There is concern from local residents that the surface water drainage in the area would be unable to cope with the nature and scale of the proposed development. The Engineering proposals and details have been prepared by Punch Consulting Engineers and submitted at application stage with further details provided in response to the Council's F.I request. Drawings showing existing and proposed drainage plans are included. It is provided that in terms of surface water drainage some attenuation from the site will be required. It is proposed to pump collected surface water separately to a combined manhole within the site where surface water drainage will combine with foul drainage and connect to the existing combined sewer in Grantham Place. The proposed development has been assessed in relation to sustainable urban drainage systems (SuDS) with green roofs to be provided at appropriate locations (not on the protected structures) and rainwater harvesting to reduce impacts on the receiving environment. Courtyard open areas will consist of soft landscaping and permeable paving or pathways in order to reduce the runoff generated from the site. Details are also included of the capacity of an attenuation tank to be provided on site.
- 7.17.2. Foul water drainage will be carried separately to a combined manhole within the site via a pumping station where foul drainage will combine with surface drainage and

connect to the existing combined sewer in Grantham Place. Foul Water Drainage has been designed in accordance with the Greater Dublin Drainage Study and the EPA Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels.

7.17.3. In terms of the Water Main it is proposed to use the existing connection to the public mains supply to facilitate the proposed development.

7.17.4. It is provided in the Punch Consulting Engineers Report that the development site has been assessed in accordance with the Flood Risk Management Guidelines and is considered to be at low risk of flooding and the development is deemed to be appropriate in the proposed site location. Also that it has been established that through the provision of green roof, soft landscaping/permeable paving, rainwater harvesting and attenuation of outflow that the proposed development will have a reduced impact on the receiving environment compared to the existing situation, thereby reducing the potential for flooding of the existing public sewers.

7.18. Appropriate Assessment

7.18.1. Having regard to the nature and scale of the development sought under this application together with the availability of connection to public services in this urban area and its separation from any designated European site, I would not consider an 'NIS' or 'Stage 2 Appropriate Assessment' is necessary in this case. Therefore, having regard to the nature and scale of the proposal, no appropriate assessment issues arise and it is not considered that the proposal 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. Having regard to the documentation submitted including the submissions and appeals made, the assessment above and my site visit, it is recommended that planning permission be granted for the proposed development subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the proposed provision of a hotel and associated development which would include the refurbishment/alterations and change of use of existing buildings on site and the construction of a new linked building to the rear; to the provisions of the Dublin City Development Plan 2016 - 2022, under which the proposed development is 'permissible' in an area zoned Z4; 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; and to the proposal's design concept including the restoration of character through to minimisation of built fabric loss, 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.

10.0 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 and the 16th day of December 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. The proposed development shall be amended as follows:-
 - a) The use of the 244sq.m 'dining' area and associated courtyard with tables and chairs shown 265.7sq.m at Lower Ground Floor Area shall be omitted and the south western block at lower ground floor level shall be used exclusively to accommodate hotel bedrooms.
 - b) Revised plans shall be submitted showing the 'dining' area at this lower ground floor level relocated to the central link area (currently shown as two bedrooms, housekeeping and lobby). This 'dining' area shall not exceed 110sq.m in floor area and shall only have access to the courtyard garden shown 104.6sq.m on the submitted plans.
 - c) The revised location of the toilets on lower ground floor level shall also be shown and these shall not be located in the south western block.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of clarity, the provision of hotel bedroom accommodation and residential amenity.

3. The restaurant in the former chapel shall only be used as a licensed restaurant/cafe 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 neither area shall 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.

4. 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.

5. 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.

6. 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.

7. (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 prior to the commencement of development for the written agreement of the planning authority.

(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 the 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 the planning authority for written agreement prior to the 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 the planning authority for written agreement prior to commencement 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.

8. 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.

9. (a) Details of all new boundary treatments or modifications to existing boundary treatments including details of consent of interested parties where that is required shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (b) The developer shall replace the railings proposed around the refuse/recycling store, Electricity Supply Board substation and rear service

area with a solid wall whose treatment shall match the external treatment of the new building's external envelope to the rear addressing Grantham Place.

Reason: In the interest of visual and residential amenity.

10. (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.

11. Details of the arrangements in relation to servicing and deliveries during the operational phase of the development including a Services Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

12. Details for the effective control of fumes and odours from the premises shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The approved scheme shall be implemented before the use commences and thereafter be permanently maintained.

Reason: In the interest of the amenities of both the immediate neighbours and general surroundings.

13. The developer shall comply with the following requirements of the planning authority's Roads and Traffic Department:

(a) Cycle parking spaces shall be secure, conveniently located, sheltered and well lit.

(b) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of development, shall be at the expense of the developer.

(c) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of orderly development.

14. Details of the proposed operations, including restrictions on hours of opening of the ancillary bar/restaurant/dining facilities and relative to servicing and deliveries shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

15. Prior to commencement of development, a Noise Minimisation Plan shall be submitted to, and agreed in writing with, the planning authority. The proposed development shall be operated and maintained in accordance with the requirements of this plan, which shall:

(a) address all sources of noise associated with the operation of the proposed development,

(b) identify specific mitigation measures, controls and procedures to be employed to ensure that the proposed development will not result in noise nuisance at nearby dwellings, for example, identification and management of the courtyard and smoking areas for patrons, limitations on keg, skip and bin movements, adoption of a silent, remotely monitored, intruder alarm system, compliance with permitted noise limits through automatic cut off or otherwise, identify the person(s) responsible for ensuring compliance with each specific control measure, and

(c) identify a Noise Liaison Officer, who shall be responsible for ensuring overall compliance with the plan, ensuring it is regularly updated, and for the training of staff and delivery personnel, and addressing noise complaints.

(d) Access/Egress of patrons from the proposed development including at closing time shall be through the front doors of the premises on Camden Street only.

(e) 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 protect the residential amenities of property in the vicinity of the site.

16. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 and 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.

17. 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, public safety measures and construction traffic management.

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

18. The pavement and kerbing to the front of the site shall be protected during construction and any damage thereto shall be repaired in matching materials at the developer's expense, to the satisfaction of the planning authority.

Reason: In the interest of public safety and to ensure a satisfactory standard of development.

19. 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.

20. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and

(b) employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

(i) the nature and location of archaeological material on the site,

and

(ii) the impact of the proposed development on such archaeological material.

A report containing the results of the assessment shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

21. 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.

Angela Brereton
Planning Inspector

9th of March 2017