



An
Bord
Pleanála

Inspector's Report ABP 301303-18.

Development

Repositioning of front door to corner, modification and upgrade to front fascia, new signage, two windows facing Brabazon Place, and 200 mm increase in windows facing Coombe Road.

Location

The Lamplighter Pub, 79 The Coombe, Dublin 8.

Planning Authority

Dublin City Council

P. A. Reg. Ref.

2008/18

Applicant

Creative Real Estates.

Type of Application

Permission

Decision

Grant Permission

Type of Appeal

Third Party

Appellant

Andreas Bruggener,

Date of Site Inspection

20th June, 2018

Inspector

Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site of the proposed development is that of a three storey corner site Victorian building at the junction of Brabazon Street and the Coombe. It is operated out as a public house on the ground floor and there is are traditional bar fittings in the interior.
- 1.2. The existing public house entrance is at the western end of the frontage onto the Coombe and there are two windows in on the façade. At ground floor on the east elevation a similar window ope is blocked up. A narrow footpath is located along the frontage of both Brabazon Street and The Coombe. Three storey houses are located along the west side of Brabazon Street. No 2, the appellant's property is shallow in depth, and adjoined to the side and rear side to the north by the Lamplighter premises. To the west side along the Coombe there are three storey buildings most of which have a retail or community use at ground floor level.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicate proposals for installation of two windows in the east facing elevation onto Brabazon Street, one of which is a reinstatement of a window in the blocked up ope, enlargement of windows on the north acing elevation onto The Coombe and relocation of the entrance to the corner from the western end of the frontage onto the Coombe. Also shown on the plans are proposals for replacement of the existing signage.
- 2.2. The application includes a review on mitigation of noise prepared by Dalton Acoustics. It includes a report on airborne and insulation testing that was undertaken in November, 2017in which noise levels were measured in accordance with BS EN ISO 16283-1:2014 standards and methodology in BS EN ISO 717 1:2013

3.0 Planning Authority Decision

3.1. Decision

By order dated, 26th February, 2018, the planning authority decided to grant permission subject to conditions of a standard nature. An additional note is included on the order in which it is advised that a person is not entitled solely due to a grant of

permission to carry out development or carry out development that overhangs, overhangs or physically impinges on an adjoining property without the consent of the owner.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer in his report states that he considers that there would be little material effect on third party properties or amenities and that the proposed development would be an enhancement to the public realm.

3.2.2. Other Technical Reports

The report of the Drainage Division indicates no objection to the proposed development.

3.3. Third Party Observations

An objection was received from the appellant party, occupant of the adjoining property indicating concerns about noise and nuisance and obstruction of pedestrian flow and circulation at the proposed entrance.

4.0 Planning History

There is no record of a planning history for the site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site is subject to the zoning objective: “Z4: *to provide for and improve mixed services facilities.*” The adjoining area of Brabazon Street, which includes the appellant’s property are subject to the zoning objective Z1: “*To protect,*

provide for and improve residential amenities.” Design principles providing for development proposals to have a positive contribution to the public realm are set out in section 16.2.1.

5.1.2. **Shopfront Improvement Scheme, 2016. The Liberties.**

The site location is within the area subject to the **Liberties Local Area Plan, 2009** in which there is an objective for the implementation of the Shopfront Improvement Scheme, 2016 which provides for the enhancement and transformation of the commercial heart of Dublin 8 including encouragement of good maintenance and presentation of buildings and shopfronts.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. An appeal was received from Andreas Bruggenner of No 2 Brabazon Street which adjoins the Lamplighter premises, on his own behalf on 23rd March, 2018. Attached is a copy of the License issued for the Lamplighter pub. Mr Bruggenner describes his property which adjoins the appeal site premises as being four metres in depth with all rooms facing onto Brabazon Street on which through traffic is not permitted.
- 6.1.2. According to the appeal the proposed development would generate additional noise and disturbance. There has already been increase due to loud music emanating from the premises in recent months. It can be heard outside the premises when windows are open and inside Mr Bruggenner’s dwelling through the walls. When the License was issue there was agreement on noise levels and speakers within the premises but it has been breached and the Appellant will challenge the License when it is due for renewal. Noise issues should have been addressed by condition in the planning authority decision as it affects residential amenities which are protected under the Z1 zoning objective. The permitted development is seriously injurious to the residential amenities of Mr Bruggenner’s property.
- 6.1.3. There should be higher insulation for the windows and doors which should not be openable. The proposal is for larger, double glazed openable windows with a maximum insulation value of 32 dB maximum when closed whereas a minimum of

54 dB is required. (An increase of 10dB is an equivalent to a doubling of noise.)

There is no ventilation system so the windows are opened for ventilation.

- The footpath is wide enough at the existing entrance for pedestrians to pass patrons of the pub who are standing outside on the footpath whereas the footpath on Brabazon Street at the corner of which the new entrance is to be located is too narrow.

6.2. Applicant Response

6.2.1. There is no submission from the applicant on file.

6.3. Planning Authority Response

6.3.1. There is no submission from the planning authority on file.

7.0 Assessment

7.1. The Lamplighter is at the edge of an area within: Z4 (mixed service facilities) whereas the appellant property is at the edge of an area within the Z1 (residential) zone so the location of the two properties is transitional. The Lamplighter premises has a long-established use within the area and community. There is an expectation of flexibility in the applicability of the objective and standards for protection residential amenity standards in a transitional site location within the inner city relative to a suburban residential estate. However, the protection of residential amenity at adjoining residential properties is a consideration for adjoining development consistent with the achievement of the mixed-use zoning objective as is the case with the Lamplighter, a long-established business in the area.

7.2. The appellant's objection is as to adverse impact of noise on the residential amenities of his property at No 2 Brabazon Street which adjoins the Lamplighter public house. He considers that an existing situation where the negative impact of noise from music played in the bar heard through the walls would be exacerbated by a new window in the completely solid ground floor façade on Brabazon Street and relocation of the entrance from the eastern end of the frontage on The Coombe to the street corner which is also a blank elevation at present.

- 7.3. The appellant also argues that customers would tend to congregate outdoors outside the new entrance increasing consequent negative impacts on residential amenities on Brabazon Street. It is pointed that no condition for the control of noise was attached to the planning authority decision.
- 7.4. It should be noted that although a noise assessment report has been provided the application, does not include proposals for permission for playing music within the premises. It is solely for changes to the entrance arrangements reinstatement of and additional fenestration and signage. However, it is agreed that the proposals could result in a material change in the impact of noise caused by the playing of music within the premises and to this end, potential for change in noise impact is a material consideration in determining a decision on the application.
- 7.5. It is considered appropriate, reasonable and necessary for a condition to be attached that addresses control of noise from music inside the premises bearing in mind the assertion in the appeal as to increased noise impact in the public realm and at adjacent residential property due to the proposed relocation of the entrance and increased fenestration. Such a condition, which was not attached to the planning authority decision would provide for clarity for possible future enforcement purposes and assists the operator of a business in that clear limitations can be set and ameliorative measures can be introduced if necessary. If permission granted, it is recommended that a condition of a standard nature in this regard be attached for the control of noise.
- 7.6. The appellant, as he has himself pointed out in the appeal, can contribute observations and objections for consideration at the time of renewal of the Vintner's License for the premises. Non-compliance with requirements of a Vintner's License and a grant of planning permission would be an enforcement matter. In this regard there is scope for measurements to be taken from inside an adjoining, 'receptor' premises or location, if necessary to establish if there is any breach of standards required under a condition attached to a grant of planning permission.
- 7.7. The remarks as to an increase in circulation and congregation by customers in the vicinity of the proposed new entrance at the corner of the building is noted. The premises and its bar use is relatively modest in size and intensity. It is considered that increased circulation and congregation on the footpath by patrons would be

relatively insignificant relative to the existing arrangements whereby the entrance is at the western end of the frontage on The Coombe. The existing unrelated noise environment attributable to business use and traffic along the Coombe which comes within the area subject to the Mixed-Use zoning objective. The two proposed windows incorporating reinstatement of one window and enlargement of the ope in the east facing, (Brabazon Street) façade can be restricted so that there is no scope for opening windows on this facade. Specific requirements as to the glazing specification would be excessive and unwarranted. Control of noise impact at third party properties such as the appellant property includes the impact of noise internal and external which emanates from the premises. It would be a matter for the operator of the Lamplighter premises to provide for appropriate control and or mitigation ensuring that any set maximum limitations are not exceeded.

- 7.8. Finally, from the perspective of the interests of the visual amenities, integrity of the building and its context within the streetscape, the proposed development is welcome. The building a fine Victorian corner site building and a positive feature in the streetscape as is clearly evident in the building form and the materials and decorative details on the façades at first and second floor levels. The proposed development constitutes an enhancement in the presentation of the ground floor level of the building which complements and is compatible with the existing building. It would improve the integrity of the building with sensitivity when considered alone at the corner of Brabazon Street and The Coombe and within the context of the more modest surrounding context of the built environment in which it is prominent. The favourable comments of the planning officer in this regard are supported. However, furthermore, it is considered that the proposed development accords with the Shopfront Improvement Scheme, 2016 for the Liberties the application of which is an objective of the Liberties Local Area Plan 2009.

8.0 Recommendation

- 8.1. In view of the foregoing, it is recommended that the planning authority decision be upheld and that permission be granted with the attachment of a noise control condition of a standard nature. Draft reasons and considerations and conditions.

9.0 Reasons and Considerations

Having regard to the historic public house use, prominent location of the premises subject of the application, to the Zoning Objective which provides for three improvement of mixed services facilities it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the adjoining residential property or the residential properties in the vicinity within the area subject to the zoning objective "A": to protect and improves residential amenities" and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the protection of residential amenity.

3. Details of all external shopfronts and signage which should accord with the standards and recommendations within the Shopfront Improvement Scheme 2016: The Liberties Dublin issued by Dublin City Council, shall be submitted to and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of the amenities of the area/visual amenity.

Jane Dennehy
Senior Planning Inspector
21st June, 2018.