



An
Bord
Pleanála

Inspector's Report ABP-318086-23

Development	Protected structure: Retention and permission of extension, alterations, change of use and change of opening hours with all associated site works.
Location	5/6 Camden Market, Grantham Street, Dublin 8.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3726/23
Applicant(s)	Granthams Cafe Ltd
Type of Application	Retention Permission and Planning Permission
Planning Authority Decision	Grant permission and retention
Type of Appeal	Third party
Appellant(s)	Grantham Street Residents Association
Observer(s)	None
Date of Site Inspection	3 rd September 2024
Inspector	D. Aspell

1.0 Site Location and Description

- 1.1. The site is 5/6 Grantham Street, Dublin 8. The application relates to the ground floors of Nos. 5 and 6. The ground floors are operated as part of the one premises, 'Sprezzatura', however each has independent access to Grantham Street and to the rear prep-kitchen, toilets and store. The seating areas in the front parts of No. 5 and 6 are connected internally via a narrow, cased opening. A rear car port/garage and workshop also form part of the site and are accessed from Pleasant's Place.
- 1.2. The site is at the end of a mixed-use terrace that extends from Camden Street Lower, which is c.40m to the east. This end of Grantham Street is mixed-use and primarily commercial, with the street further west being primarily residential.
- 1.3. Nos. 5 and 6 are protected structures in the City Development Plan 2022-2028 Record of Protected Structures, as are the rest of the structures within this terrace.

2.0 Proposed Development

- 2.1. The development as proposed at application stage was described as:
 - *"This development is located to the rear of a protected structure. Extension of the existing restaurant into existing storage to the rear, change of use of this area from storage to restaurant. Alterations to the roof in the extended area rear ground floor. Part glass pitched roof with an additional nine roof windows. Change of use, retention of front area of number 5 from retail to restaurant. Change in opening hours to 11.30 pm all seven days."*
- 2.2. In response to further information the applicant omitted the expansion and change of use to the rear and works to the rear roof. As such, only the change of use and retention of the front area of No. 5 from retail to restaurant, and the change in opening hours, were granted by the planning authority and are subject of this appeal.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued a notification to Grant planning permission and retention permission subject to 6 no. conditions. I note the following:

- Condition No. 2 limited the extended opening hours to Fridays and Saturdays only, in the interests of residential amenity of neighbouring properties.
- Condition No. 3 clarified that the following was omitted from the permission: (i) the extension of the existing restaurant into the existing storage to the rear; (ii) the change of use of this area from storage to restaurant, and; (iii) the alterations to the roof in the extended area rear ground floor, part glass pitched roof with an additional nine roof windows.

3.2. Planning Authority Reports

3.2.1. Planning report: In response to further information the planning authority report recommended permission be granted. I summarise the report as follows:

- Applicant revised the proposal in response to further information. The previously indicated expansion of restaurant into the rear car port/garage and workshop, the smoking area, and rear roof works are omitted. Applicant proposes to retain change of use from retail to restaurant in Unit 5. Units 5 & 6 already connect by an open doorway. No works to building now proposed;
- No details submitted of extraction and ventilation, or mitigation to reduce impact of noise on adjoining dwellings. Report states Environmental Health report stated no objection subject to conditions;
- Report states the Conservation Officer further information items have not been addressed other than applicant stating no works to the protected structures are proposed, and the proposal will retain the existing character, not cause injury to surrounding amenities, or depreciate property values;
- Report refers to enforcement cases related to the site;
- Due to the reduce nature and extent of development, the increased opening hours are considered reasonable only on Fridays and Saturdays. Report states the previous area serving take-away drinks is now incorporated into the restaurant. As such the proposal is acceptable.

Other Technical Reports

3.2.2. Road Planning: In response to further information, report (23/08/2023) recommended permission be granted subject to standard conditions.

3.2.3. Drainage: In response to further information, report (17/08/2023) stated no objection subject to standard conditions.

3.2.4. Conservation Officer: No report on file.

3.2.5. Environmental Health Officer: No report on file.

3.3. **Third Party Observations**

3.3.1. During the planning application stage 6 no. observers made submissions to the planning authority. The issues raised related to: Impact on protected structures; impact on the character and mix of uses in the area; impact on neighbour residential amenity; growth of outdoor seating and smoking areas; waste management; deliveries; noise; odours; anti-social behaviour; pedestrian safety; parking; fire safety; opening hours; and deficiencies in the application.

3.4. **Prescribed Bodies**

3.4.1. Irish Water: None received.

3.4.2. Transport Infrastructure Ireland: Section 49.

3.4.3. The Heritage Council: None received.

3.4.4. An Taisce: None received.

4.0 **Planning History**

4.1. Subject site

Reg. Ref. 2917/17 (ABP-300586-18): Retention permission granted by the Board in 2018 for change of use from retail to café retail, and the slight material alteration of the proposed layouts consists of a new prep kitchen, w.c. facilities, an open plan seating area of 37.5 sqm (Unit 5) and a retail countertop and server of 25 sqm (Unit 6). As part of the works undertaken is the stripping back of the modern plasterboard walls to expose the original building fabric.

In broad terms the permission provided for customer seating within the front of No. 6, and a retail countertop and circulation area in the front of No. 5. It also provided for removal of a dividing doorway between Nos. 5 and 6 at ground floor.

The Board granted permission subject to 6 no. conditions. Condition 2 restricted the café opening hours to 22:00 Monday to Saturday and to 18:00 Sunday in order to safeguard the residential amenities of property in the vicinity.

Ref. 3550/19: Planning permission granted by the planning authority in 2019 at the rear of No. 58 Camden Street Lower for the change of use from workshop to coffee roasters. The development for a total of 74sqm will include a production & packaging area to the rear, stores rooms and ancillary services. No works proposed to the external envelope with the exception of repair and maintenance.

This application related to the rear portion of the subject site only.

4.2. Nearby sites:

None relevant.

5.0 **Policy Context**

5.1. **Development Plan**

The site is zoned 'Z4 Key Urban Villages / Urban Villages' in the Dublin City Development Plan 2022-2028.

Policy SC9 'Key Urban Villages, Urban Villages and Neighbourhood Centres'.

Chapter 7 'The City Centre, Urban Villages and Retail'. Figure 7-1 'Retail Strategy'.

Section 7.5.3 'Key Urban Villages, Urban Villages and Neighbourhood Centres'.

Policies CCUV20 'Mixed Use Key Urban Villages / Urban Villages', CCUV23 'Active Uses' and CCUV30 'Café / Restaurants'.

Chapter 11 'Built Heritage and Archaeology' incl. Policy BHA2 'Development of Protected Structures'.

Sections 14.4 'Zoning Objectives and Reuse / Redevelopment of Protected Structures' and 14.7.4 'Key Urban Villages and Urban Villages'.

Section 15.14 'Commercial Development / Miscellaneous', incl. Sections 15.14.7.2 'Restaurants / Cafes', 15.14.7.4 'Noise, Odour, Ventilation for Restaurant / Café / Take-Away' and 15.15.2.3 'Protected Structures'.

Appendix 2 'Retail Strategy', incl. Table 2 'Retail Hierarchy for Dublin City': Level 4 'Neighbourhood Centres, Local Centres-Small Towns and Villages', Sections 5.3 'Level 4 Urban Villages and Neighbourhood Centres' and 6.3 'Urban Villages'.

5.2. National guidelines and strategies

Architectural Heritage Protection Guidelines for Planning Authorities 2011.

Retail Planning Guidelines for Planning Authorities 2012.

5.3. Natural Heritage Designations

- 5.3.1. South Dublin Bay & River Tolka Estuary SPA and South Dublin Bay SAC are c.3.5km to the east.

5.4. Environmental Impact Assessment screening

- 5.4.1. The development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to EIA requirements. (See Form 1 Appendix 1).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third-party appeal was received (Grantham Street Residents Association), summarised as follows:
- Applicant failed to comply with planning authority requests. Inadequate documentation. No authorisation from owner. Application is invalid. Response should not be accepted, and proposal refused;
 - Impact on residential nature of neighbourhood. Erosion of residential amenity where the zoning is Z1 and adjoining Z2;

- No design and location of extraction and ventilation system provided, or details of potential noise generated by the restaurant extension;
- Conservation Officer report is needed. Previous permission (Ref. 2917/17 Condition 3) required all works to be carried out with specialist input. Proposal is for material change to historic fabric which forms a prominent Grantham Street set-piece. Proposal does not accord with Architectural Heritage Protection Guidelines. Development scope has been reduced, but change of use and amalgamation of two protected structures is material;
- Condition 2: Proposed opening hours conflict with zoning objective. Applicant is incorrect to state other establishments in the vicinity open later and with late licences. The Board conditioned the current opening hours as appropriate to safeguard residential amenities (Ref. ABP-300586-19);
- Grantham Street is mainly residential. This is the closest non-residential unit;
- Existing restaurant is an unauthorised use change from retail. Two other enforcements were not referenced by the planning authority. The enforcements related to change of use, opening hours, unauthorised works to protected structures. This shows a lack of consideration and should not be tolerated;
- If the Board grants permission, Condition 3 should be altered to state the Pleasant's Place entrance, seating area and smoking are also removed.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. None received.

7.0 Assessment

7.1. Having regard to the foregoing; having examined the application, appeal and planning authority reports; having inspected the area within and around the site; and

having regard to relevant adopted development plan policies and objectives, I consider the main issues in this appeal are as follows:

- Impact on neighbouring residential amenity;
- Conservation and heritage impacts;
- Related matters raised in the course of the appeal.

Impact on residential amenity:

- 7.2. Regarding the principle of development, whilst the planning authority planner report and appeal stated the site is zoned 'Z1 Sustainable Residential Neighbourhoods', the site is actually zoned 'Z4' zone in the current development plan, as are all the lands along the eastern end of Grantham Street. The Z4 land use zoning objective is '*To provide for and improve mixed-services facilities*'. Restaurant use is permissible in this zone. The lands generally west of Pleasant's Place and Grantham Place are zoned Z1, whilst lands further west are generally zoned Z2.
- 7.3. Regarding impact on neighbouring residential amenity, the subject space (c.23sqm) is in the ground floor of No. 5 and mainly comprises seating for c.11 no. tables. This stretch of Grantham Street is mixed-use. At ground floor it comprises small eateries, an estate agent, a barber shop, a tile shop, and offices. The adjacent uses on all sides of the site are commercial. The immediate area is zoned accordingly. However, further west is mainly residential, and there a number of above ground floor uses along Grantham Street, including above Nos. 5 and 6, which appear to be residential. I also note that Camden Street Lower is nearby and which is a busy street with a broad range of uses, including late-night uses. Within this context, and considering the Z4 zoning for the site, I consider the proposed retention of restaurant use is acceptable and would not in principle have a significant detrimental impact on neighbouring residential amenity, subject to conditions as set out below.
- 7.4. Regarding opening hours, Condition 2 of the permission granted by the Board on the site in 2017 (Ref. 2917/17, ABP-300586-18) limited operating hours to 22:00 hours Monday to Saturday and to 18:00 hours Sunday. The subject application proposes to increase opening hours to 23:30 seven days per week. Condition 2 of the planning authority decision on the subject case would allow for increased opening hours to

23:30 on Friday and Saturday only, in the interests of protecting neighbouring residential amenity. This was not appealed by the applicant.

- 7.5. The rear smoking area initially proposed by the applicant has been omitted. I note at the time of the previous Board decision the site was zoned Z1, whereas it is now zoned Z4. Having regard to the foregoing, and what I consider is the transitional nature of this location adjacent a significant number of dwellings as well as a busy commercial area, I consider that on balance the proposed extension of opening hours is reasonable subject to Condition 2 as attached by the planning authority.

Conservation and heritage

- 7.6. No. 5 and No. 6 are protected structures. There are a number of protected structures in the area. The site is outside the Camden Street conservation area.
- 7.7. No report from the Conservation Officer is on the case file, and no points from the Conservation Officer were recorded in the planning authority planner report. A brief conservation method statement is submitted with the application.
- 7.8. Regarding works, the subject space in No. 5 was permitted under Ref. 2917/17 (ABP-300586-18) to be a retail area comprising a retail countertop and customer circulation space. This countertop has been removed and the space is now used mainly as customer seating. This is the apparent extent of works arising, with no other works proposed as part of the revised application. I note that removal of the door between the ground floors of Nos. 5 and 6 was permitted under Ref. 2917/17.
- 7.9. Having visited the site, and having regard to the information on file, I consider the development arising is relatively minor, minimally invasive, and appropriate to these protected structures. As such I consider the proposal is acceptable in these regards.
- 7.10. I note the extent of changes made to the proposed development during the application process. I also note points made by the appellant in relation to clarifying that the initially proposed smoking area was omitted from any permission. I consider that revised Conditions 1 and 3 of the planning authority decision should be attached to any permission in this regard.
- 7.11. Overall I am satisfied the proposal would not seriously injure or adversely affect the character or special interest of Nos. 5 and 6 Grantham Street as protected structures, or other nearby protected structures in the area, including those in the

wider terrace. I am also satisfied the proposal would not have a significant detrimental impact on the character and heritage of the area.

Related matters raised in the course of the appeal

- 7.12. Regarding Conditions 4, 5 and 6 of the planning authority decision, the development proposed relates only to opening hours, and the retention of change of use and previously undertaken works. No new works are proposed. As such I consider Conditions 4, 5 and 6 of the planning authority decision are no longer required.
- 7.13. Regarding waste, no proposals form part of the application. I note waste storage is available at the rear of the site. Considering the extent of the change of use and opening hours, I do not consider any significant changes to waste management arise in terms of the operation of the premises. Only retention of previous works is proposed and as such construction waste impacts do not arise. I do not consider further conditions are necessary in this regard.
- 7.14. Regarding air quality, whilst minimal information was submitted with the subject application, no related works are proposed. I note the extent of the change of use for retention. Details of air extraction and purification were provided with Ref. 2917/17 (ABP-300586-18). For the subject application the planning authority planner report stated the Environmental Health Officer had no objection subject to conditions. The only related condition was the Noise & Air Pollution element of Condition 6, and this appears to relate to construction only. No report from the Environmental Health Officer was on file. As set out above I consider Condition 6 should be omitted from any permission and that no further conditions in this regard are required.
- 7.15. Regarding noise, the main noise issues arising would relate to mechanical ventilation and the change of use. No works in this regard are proposed. No conditions regarding noise at the premises were attached to the previous permission. I do not consider the proposal, in the context of Condition 2 above, will have unacceptable noise impacts. No conditions in this regard were attached by the planning authority to the subject decision. Having regard to the foregoing, in particular the nature and extent of the change of use, the surrounding context, and Condition 2 as set out above, I consider the noise impact of the proposal would generally be acceptable.
- 7.16. Regarding Sections 48 and 49 Contributions, these do not apply in this case.

8.0 Appropriate Assessment screening

- 8.1. Having regard to the nature and scale of the proposed development, the nature of receiving environment as a built up urban area, the distance from any European site, and the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the carrying out of EIA at initial stage.

9.0 Recommendation

- 9.1. I recommend planning permission and retention permission be **Granted**, subject to conditions, for the reasons and considerations below:

10.0 Reasons and Considerations

- 10.1. Having regard to the provisions of the Dublin City Development Plan 2022-2028, including the 'Z4' zoning objective for the area, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed for retention, would not be contrary to Policies CCUV20 'Mixed Use Key Urban Villages / Urban Villages' and CCUV23 'Active Uses' or Policy BHA2 Development of Protected Structures the development plan; would not seriously injure or adversely affect the character or special interest of No. 5 and No. 6 Grantham Street as protected structures, or other protected structures in the vicinity; would not seriously injure the residential amenity of dwellings in the area; would not be prejudicial to public health; and would comply with the policies and provisions of the development plan; and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 received by the planning authority on the 2 nd day of August 2023, 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
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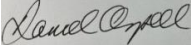
	<p>authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The increase in opening hours until 23:30 shall be limited to Friday and Saturday night.</p> <p>Reason: To protect the residential amenities of neighbouring properties.</p>
3.	<p>In the interests of clarity the following elements of the permission have been omitted from the application by the applicant following the submission of their further information:</p> <p>(i) Extension of the existing restaurant into existing storage to the rear.</p> <p>(ii) Change of use of this area from storage to restaurant, including the smoking area;</p> <p>(iii) Alterations to the roof in the extended area rear ground floor. Part glass pitched roof with an additional nine roof windows</p> <p>For the avoidance of doubt, this permission does not approve any other development, including development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.</p> <p>Reason: In the interest of clarity</p>

-I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.-

D. Aspell
Inspector
4th September 2024

Form 1
EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318086-23		
Proposed Development Summary	Protected structure: Retention and permission of extension, alterations, change of use and change of opening hours with all associated site works.		
Development Address	5/6 Camden Market, Grantham Street, Dublin 8.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		Yes	-
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X	Preliminary Examination required	
Yes		Screening Determination required	

Inspector:  **Date:** 04/09/2024