



An
Bord
Pleanála

Inspector's Report

ABP-320159-24

Development

PROTECTED STRUCTURE(S):

Permission & retention: Internal and external renovations and alterations to public house, including partial change of use to create one five-bedroom residential unit, together with all associated works.

Location

Number 92 Camden Street Lower, Dublin 2 and Numbers 1, 2 and 3 Camden Row, Dublin 8.

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

3599/24

Applicant(s)

Brenda Ryan

Type of Application

Permission and Retention Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Grantham Street Residents
Association & James Wickham on

behalf of West of Camden Residents
Association.

Observer(s)

None.

Date of Site Inspection

26/11/2024.

Inspector

Catherine Hanly

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1.0 Site Location and Description

- 1.1. The site is located on the corner of Camden Street Lower and Camden Row in the south inner city. Camden Street is comprised of 3 and 4 storey terraced buildings which provide a mixture of land uses primarily consisting of commercial uses with some residential units on upper floors. Camden Street is a vibrant street with a period character. On the day of my site inspection, I observed a moderate flow of vehicular, cyclists and pedestrian traffic.
- 1.2. Camden Row is comprised of 2, 3 and 4 storey buildings with uses consisting of commercial public houses, offices, retail, residential dwellings and St. Kevin's Park.
- 1.2.1. The site is approximately 0.02 ha. The buildings on site include no. 92 Camden Street and nos. 1, 2 and 3 Camden Row. No. 92 Camden Street (RPS No. 1160) and nos. 1 (RPS No. 1133) and 2 (RPS No. 1134) Camden Row are identified as Protected Structures. No. 91 Camden Street which adjoins the subject site and is in the ownership of the applicant is also a Protected Structure (RPS No. 1159).
- 1.3. No. 92 is a four storey, red brick building, located on the corner of Camden Street Lower and Camden Row and culminates both terraces. Nos. 1 and 2 Camden Row consist of a 3 storey, red brick building. No. 3 Camden Row consists of a 2 storey stone fronted building. The uses on the site consist of a public house, known as Ryan's Pub, alongside ancillary storage. The upper floors of no. 92 Camden Street were formerly in residential use and are now in a disused state.
- 1.4. The applicant also owns no. 91 Camden Street which consists of a mid-terrace 4 storey building. The ground floor of no. 91 Camden Street is currently being used as storage associated with the public house at no. 92.
- 1.5. A lighting column is located outside the front of Ryan's pub on Camden Street. Black bollards are in place along the footpath outside the northern façade of the site on Camden Row. There is a no parking sign positioned on Camden Row outside the site, restricting parking at all times. Pay and display on street parking is available on Camden Row, further west of the site.

2.0 Proposed Development

2.1. The proposed development consists of the following:

2.2. At 92 Camden Street Lower:

- At basement level:
 - Replacement of 2 no. existing doors to store rooms and creation of lobby (wall with door) to one of the two store rooms.
 - Removal of existing hatch ladder access behind bar and insertion of new metal spiral stair access.
- At ground floor:
 - The removal of existing modern stairs to first floor level of 92 Camden Street Lower and replacement with building regulation compliant stairs matching the design of the surviving original stairs at first to third floor level. Amending existing front door and lobby to allow for compliant lobby landing space.
 - Internal renovations of the public house to include alterations providing access to disabled toilet from lobby rather than pub seating area.
 - Removal of existing hatch and dangerous access ladder from back bar to basement cellar and replacement with safer spiral stair.
 - Extension of ground floor bar counter 2.2m.
- At first floor, second and third floors:
 - Change of use of first floor level (71.3sqm) from public house use formally kitchen and offices associated with the public house, to residential use.
 - Provision of 5 bedroom residential unit of 201.4sq.m at first, second and third floors with entrance lobby and stairs at ground floor level.
 - Conversion of existing external terrace to a private open space serving residential unit at first floor. Insertion of large glazed sliding door between kitchen and private open space. Including a new louvred timber frame enclosure for housing services and timber decking system.

- To include refurbishment works at first, second and third floor levels, including creation of living, dining, kitchen, 5 no. bedrooms, bathroom, toilet and ensuites.
- Remodelling of existing stairs by carefully taking down all existing stairs elements and reconstructing the stairs to allow compliant alterations to be completed. Enlarging existing landing window by lowering the level of the cill.
- Restoring and expressing surviving features of dumbwaiter.
- Carefully taking down and repair of non-original cast iron date plaque and relocation from front elevation to side elevation to allow the restoration of historic clock to its original position on the front elevation as per historic photograph.
- Repairing of slated roof slopes, chimney stacks, 2 no. gabled dormer windows and 2no. sash windows. Provision for one glazed automatic opening vent (1sq.m) over staircase, located externally on the south western slated roof slope behind the brick parapet of no. 92.
- Replacement of aluminium windows to all elevations with historically accurate vertical sliding sash timber windows with thin double glazing. Form 2no. window openings in west elevation at first floor level and inset 2no. sliding sash windows as described above.
- At no. 3 Camden Row, provide a mono-pitched glazed roof to the inside face of the external walls to partially cover the outdoor seating area of the public house.
- Placing of photo voltaic panels to the lower and rear roof slopes of no. 1 and 2 Camden Row (protected structures) and to the roof slopes of the Abattoir of no. 3 Camden Row (non-protected structures). All existing historic abattoir equipment displayed under the abattoir roof is to be protected, retained and cleaned. Relocation of existing cast iron winch to its original position and cleaning and painting of same. Reinstatement of original roof overhang of Abattoir.

- Completion of repairs and renovation of historic and modern fabric, including repair and repointing of original brickwork at 92 Camden Street Lower, 1, 2 and 3 Camden Row, as detailed in the Conservation Methodology Statement in compliance with conservation best practice.
- All associated and ancillary works.

2.3. Retention permission is sought for:

- The existing natural slated roof to no. 3 Camden Row. The roof covers the shared open space to the rear of no. 3 Camden Row.
- The food/ bar servery area at ground floor of the rear return of no. 3 Camden Row (8.4sq.m) formally Cottage no. 3.
- Storage/ plant room at first floor level of the rear return of no. 3 Camden Row (9sq.m) formally Cottage no. 3.
- Together with all associated and ancillary works to those described above.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 13no. conditions issued on 21st June 2024. Condition nos. 3, 4, 5, 7, 8, 9 are non-standard.
- 3.1.2. Condition no. 3 is a development contribution amounting to €319.20 benefiting the Luas Cross City Scheme under Section 49 of the Planning and Development Act 2000 (as amended).
- 3.1.3. Condition no. 4 requires that the residential unit at first, second and third floor shall be for long term residential use only.
- 3.1.4. Condition no. 5 requires details in relation to conservation to be agreed with the Planning Authority. The condition states the following:

“The developer shall comply with the following conservation requirements of the Planning Authority:

- a) *The developer shall submit the following architectural conservation details/ revisions for the written approval of the Planning Authority prior to the commencement of development:*
- b) *Revised reflective ceiling plans to omit the proposed installation of ceiling roses to the second floor front and rear rooms.*
- c) *Revised drawings showing the following omissions: (a) omit the sanding of historic floor boards, (b) omit under-floor heating and provide drawings for layout of space heaters/ radiators, (c) omit the second floor front room en-suite bathroom, (d) omit the proposed clock to the façade and retain the date plaque in its current location (e) omit the elongation of the east-facing slope to create an over-hang to the former abattoir shed roof.*
- d) *A detailed method statement for the recording, protection, tagging, dismantling, transportation, repair, remodelling and reinstatement of the extant staircase (that is proposed to be relocated) shall be provided. Detailed drawings for the proposed spiral stairs showing interventions to historic fabric.*
- e) *Samples of brick and stone cleaning raking and repointing and brick repairs shall be provided for the written agreement of the Conservation Office in advance of works commencing on site. The Conservation Officer shall be given the opportunity to inspect elevations once scaffold has been erected, to identify any remnants of the original pointing technique at close quarters and to agree in writing, the most appropriate pointing technique for this structure.*
- f) *The Conservation Officer shall be given the opportunity to inspect elevations once scaffold has been erected.*
- g) *The demolition and reconstruction of the chimneystacks is not supported. A revised proposal for the remediation of the chimneystacks shall be prepared by the conservation architect and may include the raking and repointing with a NHL 2-based lime mortar, the provision of new lime flaunching, the removal of vegetation and the provision of terracotta caps (if deemed appropriate for use).*
- h) *Detailed drawings at 1:10 for the proposed historically accurate timber sash windows.*

- i) *Revised internal drawings and external elevation drawings shall be revised to show all aspects of the MVHR system including the proposed location of vent grilles. The Developer shall clarify if the system shall employ decentralised units. The Developer shall confirm that such units are compatible for use/efficient within traditionally constructed historic buildings that are not airtight nor highly insulated.*
- j) *Detailed photographs of the existing front door to the Proposed Residential Unit and justification as to why replacement rather than repair is warranted. Detailed drawings at 1:20 shall be submitted for a historically accurate door and overlight.*

Reason: In order to protect the original fabric, character and integrity of the Protected Structure at No. 92 Camden Street Lower, Dublin 2 and No's 1 and 2 Camden Row, Dublin 8 and to ensure that the proposed works are carried out in accordance with best conservation practice.

- 3.1.5. Condition no. 7 requires the submission of a Servicing Management Plan to include the proposed development and the cumulative servicing requirements of the concurrent planning application at 3766/24.
- 3.1.6. Condition no. 8 requires the submission of a revised plan showing cycle parking space to Development Plan standards prior to the occupation of the residential unit.
- 3.1.7. Condition no. 9 sets out environmental health requirements of the Planning Authority and states the following:

“The Developer shall comply with the following environmental health requirements of the Planning Authority:

- a) *Construction and Demolition Phase: The Air Quality Monitoring and Noise Control Unit advise that the developer must adhere to Dublin City Councils Construction and Demolition Good Practice Guide for Construction Sites for mitigation measures regarding air, noise and vibration pollution throughout the duration of the works. The company/contractor must make reference to this document in their construction management plan.*

Real time noise, vibration and air pollution monitoring must be in place for the duration of the construction works taking place and the monitoring data must be made available upon request to this Unit.

Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays. Permission to work outside of these hours must be subject to the approval of Dublin City Council.

All site works shall follow best practice in relation to noise and air emissions. Appropriate dust suppression shall be employed to prevent fugitive emissions affecting those occupying neighbouring properties or public pathways. During any construction or commercial site clearance, excavated materials shall be damped down or otherwise suitably treated to prevent the emission of dust from the site. All stockpiles shall be planned and sited to minimise the potential for dust nuisance.

- b) Operational Phase: Noise Mitigation measures: The noise levels from the site, during the operational phase, measured as an LAeq (5min at night, 15 min in day) when all plant is operating, shall not exceed the LA90 by 5dB(A) or more.*
- c) Noise levels should not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place.*
- d) Air Pollution Mitigation measures: No emissions, including odours, from the activities carried on at the site shall result in an impairment of, or an interference with amenities or the environment beyond the site boundary or any other legitimate uses of the environment beyond the site boundary.*

Reason: In order to protect the amenity of the surrounding area.”

3.2. Planning Authority Reports

3.2.1. Planning Report

- The re-introduction of residential use on the site is welcomed. The unit complies with national guidance and residential design standards. The report

recommends that should planning permission be granted, that it should not permit short-term letting.

- The report recommends that a condition is attached to any grant of planning permission, ensuring that the existing use does not impact the residential amenity of the residential unit.
- The report noted that the applicant identified bike storage and bin storage/ servicing in their submission. Residential waste would be stored in the private open space until it is ready to be collected from the public footpath and public house waste would be stored in the basement and removed via external access hatch from Camden Row. The report recommended that a condition should be attached to any grant of planning permission in relation to service management.
- The report includes the comments from the Conservation Division. The report concludes with stating that the development does not materially contravene the *Dublin City Development Plan 2022-2028* and considers that the works to the Protected Structure are acceptable subject to compliance with conditions.
- The report considered that the development does not require an Appropriate Assessment.
- The report concluded that the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

3.2.2. Other Technical Reports

- Archaeological Report:
 - The report identifies how the site is within the Zone of Archaeological Constraint for the Recorded Monuments DU018-020 (Historic City) and DU018-020647 (dwelling) which are listed on the Record of Monuments and Places.
 - The report notes that site is directly adjacent to and in the same ownership as no. 91 Camden Street which is a Recorded Monument (DU018-020647).

- The report identifies that no. 91 Camden Street is a type of structure known as a “Dutch Billy” and is considered to be of archaeological and architectural significance.
- The report notes the intent of the applicant to conserve historic fabric and considers that the potential archaeological impact is low.
- The report recommends that in the event that planning permission is granted, that a condition is attached requiring the notification of the City Archaeologist, should any archaeological material be discovered.
- Engineering Department – Drainage Division Report: The report states that the Department has no objection to the development, subject to compliance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- Transportation Planning Division Report:
 - The report notes that the site is constrained and considers that the extension of the pub use into the rear yard of no. 3 Camden Row, which could be used to accommodate storage and serving requirements, leads to the potential overspill of these activities on the public road.
 - The report states that any street furniture shown is subject to a separate street furniture licence. The Street Furniture Licence team confirmed that the premises does not have a Street Furniture Licence and that an application was refused in 2023.
 - The report identifies that a minimum of 5no. cycle spaces are required for the residential unit.
 - The report recommends requesting Further Information in relation to 2no. items. Item no. 1 is regarding the submission of a Servicing Management Plan for the whole site and to consider the cumulative servicing requirements of **reference no. 3766/24**.
 - The second item that was recommended to be included in the Further Information request was a revised plan showing 5no. cycle parking spaces.

- Conservation Report: recommends a Grant of Planning Permission with conditions. The report notes the following:
 - The removal of non-original fabric on all floors is acceptable.
 - A method statement with specifications shall be provided for conservation repairs to the ceilings. The proposal to install new ceiling roses to the second floors front and rear bedrooms shall be omitted.
 - The provision of vertical and horizontal chasing of walls and ceilings to accommodate services is acceptable.
 - The proposal to sand floorboards shall be omitted.
 - The provision of insulation between joists is acceptable.
 - The proposed underfloor heating pipes shall be omitted due to the impact on lath and plaster ceilings. Details of an alternative space heating system shall be submitted.
 - A detailed method statement for the recording, protection, tagging, dismantling, transportation, repair, remodelling and reinstatement of the non-original staircase rising from ground to first floor shall be provided.
 - The proposed spiral staircase between the basement and ground floor is acceptable. Detailed drawings shall be submitted showing the interventions to the historic fabric.
 - The en-suite bathroom to the front room at second floor level shall be omitted due to concerns that plumbing would run through or across floor joists.
 - Samples of brick and stone cleaning, raking and repointing and brick repairs shall be provided for agreement prior to commencement.
 - The proposal to install a DPC shall be omitted as it does not adhere to the conservation principle of minimal intervention. A revised proposal for remediation of the chimneystacks shall be submitted.
 - The use of Welsh Bangor Blue slate in the case of a shortfall of existing slate is acceptable.

- The replacement of non-original windows with new historically accurate timber sash windows is acceptable. Detailed drawings identifying the proposal are to be submitted.
- Internal service drawings shall be submitted which identify the MVHR system. The Conservation Officer raises concern that the MVHR system have be inefficient as traditionally constructed buildings need to remain breathable. It is requested that an alternative heating system is considered.
- External and internal elevation drawings shall be submitted to show the location of vent grilles and all aspects of the heat recovery ventilation system. Confirmation is required regarding whether or not the MVHR system will employ decentralised units and if so, that the units are efficient in historic buildings.
- The reinstatement of the clock and the relocation of the plaque to the side shall not be permitted in order to respect earlier interventions.
- No justification for the replacement of the non-historic door and plain-glazed overlight on the front elevation has been submitted.
- The lengthening of the east-facing slope of the roof over the abattoir shed shall be omitted. The provision of solar PV panels to the former abattoir roof and the rear of the cottage is acceptable.
- The pitched slate roof over the abattoir shed encroaches on the roof of the cottage in a visually unsatisfactory way. It is however acceptable for retention.
- The food and bar servery area at ground floor is acceptable.
- The provision of storage and plant in the return of number 3 Camden Row is acceptable.

3.3. Prescribed Bodies

- 3.3.1. An observation was received from Transport Infrastructure Ireland, which is a Prescribed Body. The Observation noted that the development is within an area set out in a Section 49 Levy scheme for Light Rail. The observation states that if planning permission is granted and the scheme is not applicable for an exemption

from the levy, then a condition should be included for the section 49 contribution scheme levy.

3.4. Third Party Observations

3.4.1. 5 no. observations were received by Dublin City Council. A number of the issues are covered in the grounds of appeal. Issues which are not covered in the grounds of appeal include the following:

- The site notice is misleading.
- The delivery of a residential unit is welcomed.
- There is concern that the residential unit will be used for short term accommodation.
- The descriptions of the rooms in no. 91 vary across the drawings.
- There is unauthorised intensification of pub use across the ground floor of nos. 91 and 92 Camden Street. The front room at no. 91 is used as the store room for the pub and the rear ground floor room of no. 92 is used as a snug.
- There is now an outdoor area for no. 91 which adjoins the beer garden of Ryan's.

4.0 Planning History

4.1. Planning History for the Site and Adjacent Property in the Same Ownership

- **Ref. No. 3766/24** at 91 Camden Street Lower. 2024 **Request for Additional Information.** Application seeks permission for refurbishment work, change of use from retail to café at ground and first floor, change of use from office to art gallery use at second floor and attic level. Additional Information relates to details of any physical connections between no. 91 and no. 92, the Planning Authority's concern regarding the creation of a super pub, details relating to the operation of the premises, details in relation to noise, details regarding the proposed art gallery and the consideration of a residential unit instead and additional drawings regarding the refurbishment works.

- **Ref. No. 0318/23:** Section 5 Exemption Certificate for the renovation of roofing including slates, battens, felt, flashing and 3 no. chimneys. **Grant Exemption Certificate.**
- **Ref. No. 3695/19:** Permission and retention at nos. 91 and 92 Camden Street and nos. 1 and 2 Camden Row. **Split Decision:**
 - 91 Camden Street: **Permission refused** for revised glazed lobby from Camden Street Lower, closing off of the stairwell, omission of rear seating area to café in rear return in lieu of new corridor to W/C and provision of finishing kitchen. Retention permission **refused** for part enclosure of former abattoir area and new roof.
 - At no. 3 Camden Row: **Permission refused** for revised zinc roof in lieu of glazed roof.
 - At no. 91 Camden Street, **permission granted** for W/C in lieu of bin store in rear cottage and revised layout at first and second floor.
 - At no. 92 Camden Street and nos. 1 and 2 Camden Row, **retention permission granted** for revised elevations, revised bar counter, alteration to rear pub lobby and stair, omission of window and relocation of external door to Camden Row, revised toilet layout at first floor and additional toilets at second floor.
 - At no. 92 Camden Street and nos. 1 and 2 Camden Row, **permission granted** for the re-instatement of original staircase and rear room and one no. rooflight in lieu of permitted 4no.
 - Permission was refused due to the impact on the special architectural and historic character and integrity of the Protected Structures. Blocking up the entrance to the residential unit on the upper floors of no. 91 would injure the historic fabric and the legibility of the relationship between the shop and the residential unit. The roof structure over the former abattoir is overbearing and would impact the Protected Structures and compromise the legibility of the Protected Structures.

- **Ref. No. 2653/17:** Permission and Retention Permission at nos. 91 and 92 Camden Street and nos. 1, 2 and 3 Camden Row **Granted** for the retention of the change of use from retail to café use and signage at no. 91 Camden Street, and associated seating area, facilities and refurbishment works and permission for change of use of first floor area from public house use to residential use 91 Camden Street and nos. 1 and 2 Camden Row. At no. 3 Camden Row, permission granted for change of use of existing storage use to public house seating area and WC facilities and permission granted for elevational amendments to no. 92 Camden Street and nos. 1, 2 and 3 Camden Row.
- **ABP Ref. No. PL29S. 245418 and Planning Authority Ref. No. 2995/15** at no. 92 Camden Street and nos. 1, 2 and 3 Camden Row **Refused** following third party appeal, for internal changes thereby increasing the size of the apartment and associated refurbishment works.

Permission was refused by An Bord Pleanála due to the proposed interventions to the historic fabric which would sever the historic plot and ensemble of buildings at no. 91 Camden Street and would diminish the legibility of the 2no. Protected Structures. It was also considered inappropriate to determine proposals in the absence of comprehensive proposals for the development and conservation of the entirety of the buildings.

- **APB Ref. PL29S.244603 & Planning Authority Ref. No. 3885/14. 2015 Refusal** for from An Bord Pleanála following 1st party appeal for a change of use from retail unit to café/ restaurant use at no. 91 Camden Street along with associated refurbishment works and refurbishment works to no. 92 Camden Street and nos. 1 and 2 Camden Row. Permission was refused due to the significant level of physical intervention proposed to the protected structures, including the partial demolition and removal of elements of historic outbuildings to the rear of nos. 91 Camden Street and no. 3 Camden Row. It was considered that the development would damage the special interest of the protected structures and would involve the merging of nos. 92 Camden Street and nos. 1 and 2 Camden Row with 91 Camden Street and no. 3

Camden Row, thereby diminishing the legibility of the two buildings as separate historic structures.

4.2. Relevant Planning History in the Wider Area:

- **ABP Ref. 319527-24 and Planning Authority Ref. No. 4827/23** at 8 Camden Place. 2024 **under First-Party appeal** with An Bord Pleanala. Application for change of use of ground floor area from hostel to licensed restaurant. Refused by Dublin City Council as it would result in the restaurant encroaching on and negatively impacting on Camden Villas.
- **LC29S.316856** at nos. 37 and 38 Camden Row. 2024 **Refusal** of a s254 street furniture license for 28 no. chairs and 12 no. tables. The license was refused as the proposal would compromise the convenience and safety of road users.
- **ABP Ref. No. 320119-24 and Planning Authority Ref. No. 3560/24** at nos. 49-51 Pleasants Street. **Under First-Party appeal** with An Bord Pleanala following refusal from Dublin City Council due to the transitional zone of the site in a residential conservation area and the failure to demonstrate that the development would not result in an overconcentration of tourist accommodation.
- **Ref. No. 3351/20** at nos. 1-5 Camden Street Upper and nos. 49-51 Camden Street Lower. 2020 **Grant** for permission and retention permission for modifications to the hotel facilities permitted under PL29S.247635 at Weatherspoons.
- **ABP Ref. No. 318805-24 and Planning Authority Ref. No. 3883/23** at no. 12 Camden Row. 2024 **Grant** for the construction of a 7no. storey hotel.
- **ABP Ref. No. PL29S.315509 and Planning Authority Ref. No. 5018/22** at The Landmark Public House at no. 1 Kevin Street Lower and the ground floors of nos. 38, 39 and 40 Wexford Street. 2024 **Grant** for the extension of the Landmark Public House.
- **WEB1031/24** at no. 30 Wexford Street. 2024 **Grant** for the change of use from retail to café/ restaurant.

5.0 Policy Context

5.1. Dublin City Development Plan 2022 – 2028

- 5.1.1. The site is zoned Z4 – Key Urban Village/ Urban Villages, with the objective “to provide for and improve mixed-services facilities”, in the *Dublin City Development Plan 2022 – 2028* (herein referred to as the *Dublin CDP*).
- 5.1.2. No. 92 Camden Street (RPS No. 1160) and nos. 1 (RPS No. 1133) and 2 (RPS No. 1134) Camden Row are identified as Protected Structures. No. 91 Camden Street which adjoins the subject site and is in the ownership of the applicant is also a Protected Structure (RPS No. 1159).
- 5.1.3. The site is identified on Map L in the *Dublin CDP* as being within the Historic City (DU018-020) Record of Monuments and Places (*RMP*). No. 91 Camden Street which adjoins the site to the south is also on the *RMP* map (DU018-020647).
- 5.1.4. No. 92 Camden Street and no. 1 Camden Row are located within a Conservation Area.

5.2. Conservation Areas

- 5.2.1. Policy BHA9 states that it is the policy of Dublin City Council:

“To protect the special interest and character of all Dublin’s Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include:

- 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- 2. Re-instatement of missing architectural detail or important features.*
- 3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.*
- 4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*

5. *The repair and retention of shop and pub fronts of architectural interest.*
6. *Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.*
7. *The return of buildings to residential use.*

Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications, and will promote compatible uses which ensure future long-term viability.”

- 5.2.2. Policy BHA11 in relation the rehabilitation and reuse of existing older buildings states that it is the policy of Dublin City Council:

“a) To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment.

(b) Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts (including signage and associated features), pub fronts and other significant features.

(c) Ensure that appropriate materials are used to carry out any repairs to the historic fabric.”

- 5.2.3. Section 15.15.2.2 in relation to Conservation Areas sets out the requirements for applications in Conservation Areas.

5.3. Protected Structures

- 5.3.1. Policy BHA2 in relation to the development of Protected Structures states that it is the policy of Dublin City Council,

That development will conserve and enhance protected structures and their curtilage and will:

(a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for

Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.

(b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.

(c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.

(d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.

(c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.

(d) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.

(e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.

(f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

(g) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.

(h) Have regard to ecological considerations for example, protection of species such as bats.

5.4. Residential Accommodation

5.4.1. Appendix 18 Ancillary Residential Accommodation sets out guidance on additions and alterations to existing housing stock.

5.4.2. Policy QHSN2 in relation to national guidelines, states that is the policy of Dublin City Council:

“To have regard to the DEHLG Guidelines on ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007), ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2020), ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual: A Best Practice Guide’ (2009), Housing Options for our Aging Population 2019, the Design Manual for Quality Housing (2022), the Design Manual for Urban Roads and Streets (DMURS) (2019), the Urban Development and Building Height Guidelines for Planning Authorities (2018) and the Affordable Housing Act 2021 including Part 2 Section 6 with regard to community land trusts and/or other appropriate mechanisms in the provision of dwellings.”

- 5.4.3. Policy QHSN6 in relation to urban consolidation, states that is the policy of Dublin City Council to:

“To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.”

- 5.4.4. Policy QHSN7 in relation to the development of upper floors states that it is the policy of Dublin City Council:

“To resist and where the opportunity arises, to reverse the loss of residential use on upper floors and actively support proposals that retain or bring upper floors into residential use in order to revitalise the social and physical fabric of the city through measures such as the Living City Initiative.

Dublin City Council will actively engage with property owners and other stakeholders at a national level to investigate other alternative measures in addition to the Living City Initiative to expedite bringing upper floors into residential use, and will be actioned by the City Recovery Task Force and its successor.”

- 5.4.5. Policy QHSN8 in relation to reduction of vacancy, states that it is the policy of Dublin City Council:

“To promote measures to reduce vacancy and underuse of existing building stock and to support the refurbishment and retrofitting of existing buildings, including Dublin City Council’s Estate Renewal Programme.”

- 5.4.6. Policy QHSN10 in relation to urban density, states that it is the policy of Dublin City Council:

“To promote residential development at sustainable densities throughout the city in accordance with the Core Strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.”

- 5.4.7. Policy QHSN11 in relation to the 15 Minute City, states that it is the policy of Dublin City Council:

“To promote the realisation of the 15-minute city which provides for liveable, sustainable urban neighbourhoods and villages throughout the city that deliver healthy placemaking, high quality housing and well designed, intergenerational and accessible, safe and inclusive public spaces served by local services, amenities, sports facilities and sustainable modes of public and accessible transport where feasible.”

- 5.4.8. Policy QHSN22 in relation to adaptable and flexible housing, states that it is the policy of Dublin City Council:

“To ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in the Lifetime Homes Guidance contained in Section 5.2 of the Department of Environment, Heritage and Local Government’s ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007) and the Universal Design Guidelines for Homes in Ireland 2015.”

- 5.4.9. Policy QHSN37 in relation to houses and apartments, states that it is the policy of Dublin City Council:

“To ensure that new houses and apartments provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation.”

- 5.4.10. Section 15.13.6 Living over the shop discusses the development of residential accommodation over existing commercial premises.

5.5. Licenced Premises

- 5.5.1. Section 15.14.12 in relation to night clubs/ licenced premises/ casinos/ private member clubs examines the importance of achieving a balance between the role of entertainment uses in the economy of the city and the provision of retail facilities and the protection of residential amenities. It states the following:

“There is a need to strike an appropriate balance between the role of these entertainment uses in the economy of the city and the following:

- To maintain high-quality retail 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.*
- Noise emanating from and at the boundaries of these establishments are issues which will need to be addressed in planning applications for such establishments. Noise insulation and reduction measures, especially relating to any mechanical ventilation or air-conditioning, will be required to be submitted with any such planning application.*
- To minimise the impact and street presence of casinos / members clubs. Therefore, there will be a general presumption against inappropriate advertising for casinos / gambling/ members clubs.*

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 overconcentration of these to the detriment of other uses. In cases where new uses, including uses such as casinos and private members’ clubs, or extensions to the existing use are proposed, 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 that shall be taken into account by the planning authority in assessing planning proposals for these uses and extensions to such uses include, but are not limited to the following:

- The amenity of neighbouring residents and occupiers.*
- Hours of operation.*

- *Traffic management.*
- *Shop frontage treatment and impact on streetscape.*
- *Proposed signage”*

5.6. City Centre and Urban Villages

- 5.6.1. Policy CCUV25 in relation to Neighbourhood Centres/ Local Shopping states that it is the policy of Dublin City Council:

“To support, promote and protect Neighbourhood and Local Centres which play an important role in the shopping role for residents and provide a range of essential day to day services and facilities”.

- 5.6.2. Policy CCUV35 in relation to nighttime economy, states that it is the policy of Dublin City Council:

“To support and facilitate evening / night time economy uses that contribute to the vitality of the city centre and that support the creation of a safe, balanced and socially inclusive evening / night time economy.”

5.7. Transitional Zone Areas

- 5.7.1. Section 14.6 states the following:

“In dealing with development proposals in these contiguous transitional zone areas, 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.”

5.8. Relevant Guidelines

- 5.8.1. Relevant guidelines include, *The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities DoHLGH, Jan 2024* and *Quality Housing for Sustainable Communities – Best Practice Guidelines for delivering Homes Sustaining Communities, DoEHLG, 2007.*

5.9. Natural Heritage Designations

- 5.9.1. The site is located approximately 0.7km from the Grand Canal (site code:002104) which is a Proposed Natural Heritage Area.
- 5.9.2. The site is positioned approximately 3.5km from the South Dublin Bay and River Tolka Estuary Special Protection Area (site code 004024), South Dublin Bay Special Area of Conservation (side code 000210) and South Dublin Bay Proposed Natural Heritage Area (site code 000210).

5.10. EIA Screening

- 5.11. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulation 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. 2no. appeals have been lodged by Grantham Street Residents Association and James Wickham on behalf of West of Camden Residents Association. West of Camden Residents Association is comprised of residents living around Pleasant Steet, Synge Street, Grantham Street, Heytesbury Street and the west side of Camden Street.
- 6.1.2. The grounds of appeal can be summarised as follows:
- Over-concentration of licensed premises in the area
 - The appellants are concerned that Camden Street is an area increasingly focused on the night-time economy. As a result portions of the street are closed until late afternoon.
 - It is stated that by approving applications for licenced premises, development is not in accordance with the *Dublin City Development Plan 2022-2028* where Camden Street is designated as an urban village in a Z4

area. In Z4 areas, residents should be provided with a mix of retail and amenities.

- It is highlighted that policy CCUV25 seeks “*to support, promote and protect Neighbourhood and Local Centres which play an important role in the local shopping role for residents and provide a range of essential day to day services and facilities*”.
- The appellants state that the development is contrary to section 15.14.12 of the Development Plan which seeks to maintain a balance between entertainment uses, retail uses and the protection of the amenities of residents from an over-concentration of late-night venues. It is considered that the development will result in an over-concentration of licensed premises in the area around Camden Street and Wexford Street.
- The appeal submission notes that there are over thirty licenced premises from Kevin Street to Harrington Street.
- It is considered that there is little cultural value in the area. This is misaligned from cultural objectives CU2 and CU22 in the *Dublin City Development Plan*.
- It is stated that the provision of pubs are only catering for a subsection of the market and exacerbate anti-social issues.
- It is considered that the area is becoming a second Temple Bar without any of the policies for diversity which Dublin City Council has included for Temple Bar, such as CUO18.
- Creation of a Superpub
 - It is highlighted that the development creates a superpub without consideration for the *Dublin City Development Plan 2022-2028*. The Development Plan states that “*the development of ‘superpubs’ will be discouraged.*”
 - It is stated that the applicant is expanding into properties around them in a piecemeal fashion. The subject application alongside **reference no. 3766/24** will increase the pub’s capacity. The grant of retention permission

will allow the areas to the rear of 91 Camden Street and nos. 1, 2 and 3 Camden Row to be subsumed into the pub.

- It is claimed that from Ryan's advertising and social media presence that they consider themselves a substitute for a nightclub.
- It is stated that there has been a change in the scale of pubs to larger pubs and restaurants in the area. Examples include the Camden, Flannery's and Wetherspoons.
- Impact on Residential Amenities and Amenities of area
 - It is considered that the development negatively impacts the adjacent Z2 residential neighbourhoods (conservation areas) without consideration for the *Dublin City Development Plan 2022- 2028*.
 - It is stated that the application extends nighttime uses westwards along Camden Row to the detriment of local residential amenity. The appellants reference planning authority **reference number 3560/24** where Dublin City Council refused permission for a tourist hostel on Pleasants Street. The decision highlighted the importance of the transitional nature of the streets adjacent to Camden Street and the need to protect local residential amenity on Z2 zoned land.
 - It is highlighted that the increased nightlife in the area has led to an increase in anti-social behaviour.
 - It is claimed that it is difficult to walk or cycle in the area due to an increase in street furniture, queues, keg and bin storage, smokers, taxis and deliveries.
 - It is stated that there is an issue with noise from internal and external speakers and no crowd management. This negatively impacts residents in the nearby area. The condition in relation to noise applies to plant alone and not other noise. It is stated that the second part of the noise condition puts the onus on residential neighbours to monitor noise and not the applicant.
 - It is identified that there are issues with litter associated with licensed premises.

- It is stated that Dublin City Council have failed to assess the impact of the application on the neighbourhood and its residents. The development contradicts Policy QHSN17 and the policy for Healthy Placemaking and the 15 Minute City.
- The appellants are concerned about Dublin City Council's approach to noise disturbance and enforcement. The appellants reference an enforcement case in connection with **reference no. 3351/20** whereby it is stated that the planning conditions have not been enforced at the Wetherspoons' Keavan's Port Superpub on Camden Street.
- The appellants reference other noise conditions from the ORHRE Camden Row Limited application for a hotel on Camden Row, **reference no. 3883/23**, an extension to the Landmark Pub under **ABP reference no. 315509-23** and at the Jar Pub at 30 Wexford Street under **reference no. WEB1031/24**.
- The appellants are concerned about the servicing of the building. They note that the Road Planning Division recommended further information in relation to a servicing management plan and cycle parking and are concerned that this was not requested by further information.
- It is stated that an operational waste management plan should have been submitted. It is noted that the adjacent application under **reference no. 3766/24** similarly does not address waste management. The development does not comply with the requirements of section 9.5.5 and policy S129 of the Development Plan.
- Residential Unit
 - It is stated that the development creates a non-viable residential property.
 - It is stated that locals would love to see residential life returning to Camden Street through the creation of long-term residential units.
 - However, it is considered that the over concentration of off-licenses makes living on or in proximity to Camden Street unrealistic.
 - It is considered that the residential unit may be used as offices, storage or the applicant may be availing of the Living City incentive.

- It is stated that the residential unit is not compatible with the live music, queues to enter Ryan's pub and late-night opening hours. The appellants suggest that the potential residential unit may not be delivered.
- It is recommended that enforceable conditions are imposed on the building in order to make the unit suitable for residential accommodation. It is recommended that any conditions include strict noise limitations, a restriction on music, TVs or noise within 2m of the pub, prohibit live music and late serving in the outdoor area, limit on trading hours, prohibit queues drinks and smokers on Camden Row. It is stated that the trading license should be limited to the internal property. It is recommended that the operators should be required to maintain the areas around their properties.
- Insufficient Information
 - It is considered that the application was approved with misleading, contradictory and inadequate information. No. 92 Camden Street Lower is a Protected Structure and as such it is surprising that the application was accepted given the obvious contradictions in the documentation.
 - It is claimed that the majority of the work was completed in 2019 without planning permission. The appellants have included photos of the renovations from Ryan's Instagram page.
 - It is claimed that areas which make up part of no. 91 Camden Street have been misattributed to nos. 1, 2 and 3 Camden Row. It is further claimed that liquor has been served without a licence in no. 91 since 2019.
 - The appellants are concerned about the buildings' fire certs. It is stated that information regarding the pub's capacity as per their fire certificate and details of how the property is being serviced are not included.
 - There are contradictions between the details submitted under **reference number 3766/24** and the subject application.
 - It is claimed that Ryan's made 1no. attempt to speak with residents in the wider area.
- Design

- It is stated that permission should be over-turned as no. 91 Camden Street can never operate independently of the subject property at no. 92.
- It is stated that a large portion of no. 91 was included in the retention plans for the pub expansion, thereby diminishing the commercial space available for alternative uses to contribute to the neighbourhood's mix of amenities.
- It is claimed that from analysis of **reference no. 3766/24**, that no. 91 cannot operate independently without the areas included in this application. It is claimed that this is a strategy to ensure that the remaining commercial space is not independently viable. The appellants claim that after the property remains vacant for an extended period, the license holder applies to incorporate it into the pub to revitalise it.
- The appellants are concerned that the Conservation Report was not made available on the Planning Portal, despite being referenced in the Planners Report.
- The appellants are concerned about the external escape route which progresses through a glazed covered seating/ stage area and is not separated from the required waste management area.
- The decision by Dublin City Council to permit the development accepts an increase in indoor trading area of 39.9sq.m. and utilises space which is required for waste management facilities as per section 9.5.5 and Policy S129 of the Development Plan. The Planning Authority has erred by not assessing the application against section 15.14.12 of the Development Plan.
- Other Matters
 - It is highlighted that the decision should be overturned as Dublin City Council have made their decision without considering the current issues with the premises. Current issues include large queues on the footpath, use of crowd control barriers without a licence, unlicensed street furniture, bins and kegs stored on Camden Row and poor management of people leaving the building.

- It is highlighted that the drawings identify street furniture along the public footpath from Camden Street to no. 3 Camden Row. The appellants highlight that street furniture is subject to a separate street furniture licence.
- It is stated that under **reference no. LC29S.31685** for the Crafty Fox application, that An Bord Pleanála drew attention to the fact that having any items on Camden Row would constitute a hazard to pedestrians, cyclists and vehicles. The planning conditions did not try to address these issues.
- It is indicated that the conditions imposed by Dublin City Council are insufficient.
- It is claimed that there are a number of examples of planning breaches on Camden Street. Examples include Capital Estates Management Ltd under **ABP reference no. 319527-24** and Lucid Media advertising on Camden Street.
- The appellants have submitted an extract of the current valid liquor licences from www.revenue.ie for premises on Wexford Street and Camden Street.
- It is stated that Dublin City Council has erred in its assessment of the subject application when a related application, **reference no. 3766/24** was made within 4 weeks. There were issues submitting observations on **reference no. 3766/24**.
- The appellants are concerned that Further Information was not requested to address the interactions between the subject application and **reference no. 3766/24**. It is considered that a single application should be submitted for both no. 91 and 92 Camden Street.
- It is noted that no. 91 is a Recorded Monument (DU018-020647). The appellants identify that no. 91 has an advertising banner on the front façade. The appellants recommend that should permission be granted, that a condition is included dealing with advertising banners.

- Planning History
 - It is stated that Ryans' submitted a second planning application to Dublin City Council on the 27th May under **reference no. 3766/24**. This application relates to the expansion of the serve area of the pub into the adjacent property at no. 91 Camden Street. A decision has not yet been made on this application. The appellants consider that the Planning Authority erred in issuing a decision to grant permission without reference to the interaction between the two applications.

6.2. Applicant Response

6.2.1. The applicant's response to the third-party appeals can be summarised as follows:

Context and Planning History

- The applicant is seeking to ensure appropriate modernisation of the primary use whilst also ensuring appropriate uses in other vacant parts of the property.
- The applicant identifies how the public house is a family business.
- The applicant has outlined the planning history of the site including **reference nos. 0318/23, 3695/19, 2653/17, 2995/15 and 3885/14**.

Over-Concentration of Licensed Premises in the Area

- The applicant identifies that the application does not increase the footprint of the public house. The applicant states that area of the public house is reduced at first-floor to accommodate residential use. There is also a reduction at ground floor to accommodate the residential lobby. The only increase in the public house relates to the food/ bar server area measuring 8.4sq.m.
- The applicant states that issues with noise from the pub can be addressed by way of condition.
- Section 12.5.3 and Policy CUO40 in the Development Plan support the type of development proposed.
- The applicant states that the refurbishment of the public house and the introduction of a residential unit does not contradict Policy CCUV37.

Creation of Super-Pub

- The appellant refers to previous grants of planning permissions which are irrelevant to the development now proposed.
- The applicant outlines that there is no material increase in the size of the public house. The only increase is for the food/bar serverly area measuring 8.4sq.m. There is a reduction in the public house at first and second floor to accommodate the residential unit.

Negative Impact on Adjacent Z2 Residential Area

- The applicant outlines that the introduction of residential use on upper floors reduces the area used by the public house. The introduction of residential use on upper floor will ensure that the public house is sensitive to the residential amenities above.
- The applicant states that issues in the wider area relating to licensed premises are not relevant.
- The applicant sets out that if the appellant has specific operational concerns, that an appeal is not an appropriate remedy.
- The applicant references the Dublin City Council's Planner's Report which notes that the introduction of a residential unit on the site would improve the overall amenity of the area.

Non-Viable Residential Property

- The appellants state that the public house is not compatible with residential living. The applicant outlines how the inclusion of condition no. 9 includes for operational requirements in terms of noise and air quality.
- The applicant outlines how they have considered the floor build up to the residential floor plate which would ensure a suitable acoustic environment. The applicant proposes to increase fire and acoustic compartment values.
- The applicant identifies policies QHSN6, QHSN7 and QHSN8 in the *Dublin CDP* encourage the provision of residential uses on upper floors.

Misleading Information

- The appellants have made an unfair assertion that the majority of work was undertaken in 2019 without planning permission.
- The applicant states that the capacity of the public house, servicing arrangements for the existing public house and information relating to fire safety are not planning considerations.
- The applicants outline that the separate application for no. 91 Camden Street, under **reference no. 3866/24** should not be a matter of concern to An Bord Pleanála.
- **Reference no. 3866/24** was split from the subject application as they are two separate properties, they relate to different uses which will operate independently save for some sharing of service areas and the applicant may subject to financial considerations chose to implement the planning permissions at different times. The applications have been designed to operate independently.

Current Issues with the Premises

- The applicant outlines that the Planner's Report from Dublin City Council addressed the servicing issues on the site by way of condition no. 7. The applicant outlines that issues about the operation of the public house can be addressed through enforcement complaints and that an appeal is not the appropriate method.

Operation of no. 91 Camden Street as a Separate Entity

- The appellant argues that by granting the subject application, Dublin City Council have undermined the possibility of no. 91 Camden Street operating independently. The applicant states that this is contradicted by the separate application for no. 91 which seeks to operate independently as a café.

Insufficient Conditions

- The appellant states that the conditions applied are not sufficient. The applicant states that if the appellant has concerns with the operation of the public house, that an appeal is not the correct remedy.

- The applicant states that condition no. 4 relating to the residential use is considered viable at this location and can operate viably with the public house below. The applicant identifies that this arrangement is common in the city.
- The applicant states that condition no. 9b relating to noise disturbance is a common condition.
- The applicant states that condition 7 relating to the service management plan will allow the City Council to monitor compliance in relation to servicing.

Erosion of Residential Amenity

- The applicant outlines that the application does not increase the floor area of the public house.
- The applicant outlines that the planning applications for nos. 91 and 92 were deliberately separated as they relate to separate properties and different uses.
- The applicant states that they cannot be expected to solve the wider issues of Camden Street.
- The applicant states that while the appellants refer to the area as a transitional zone, it should be noted that the immediate environs are characterised by commercial premises.

Built Heritage

- The appellant suggests that the application also seeks permission for use of the abattoir shed and the covered space of 6.7sqm. The applicant outlines that this is not the case, and that the abattoir shed was granted planning permission for public house use under **reference no. 2653/17**, as was the laneway, which was previously part of the abattoir.

Advertising Banner

- The appellant refers to the erection of an advertising banner on no. 91 Camden Street. The applicant highlights that no. 91 is not part of the planning application and notes that the advertising banner is no longer present.

6.2.2. The applicant has submitted comments on the conditions included in the Notification of Decision by Dublin City Council.

Condition no. 5

- In response to condition no. 5 (c) the applicant highlights how they would like to retain the ensuite in the second-floor bedroom and proposes to accommodate the soil pipe in the thickness of the floor without weakening the capacity of the floor joist. It is proposed to do this by strengthening the joists or to use a smaller pipe.
- In response to condition no. 5 (d) regarding the omission of the clock and the retention of the plaque in its current location, the applicant states that it is not known when the clock was removed. The applicant states that it is presumed that when the clock was removed the plaque was placed to cover the hole. The applicant describes the poor condition of the plaque and how the applicant is arranging for its removal in order to conserve it as it is currently a health and safety risk. The applicant proposes to store the plaque internally in the public house.
- The applicant states that the clock should be restored as it is an important original feature of significant interest.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority submitted a letter which requests that An Bord Pleanála upholds their decision. The Planning Authority requested that in the event that Planning Permission is granted, that conditions are included requiring the payment of section 48 contribution and a section 49 contribution for the Luas X city development.

6.4. Observations

- 6.4.1. No observations were received.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the planning authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Residential Unit
- Servicing
- Licenced Premises
- Conservation
- Other Matters

7.2. Principle of Development

7.2.1. The application site is zoned Z4 – Key Urban Villages/ Urban Villages in the *Dublin CDP*, which has the objective “*to provide for and improve mixed-services facilities*”. A public house and residential development are permissible uses on Z4 zoned land. As such, I am satisfied that the principle of providing a residential unit and the undertaking of refurbishment works to the public house are acceptable in principle. The expansion of the public house will be considered in terms of its impact in the subsequent sections of this report.

7.3. Residential Unit

- 7.3.1. The first, second and third floors of no. 92 Camden Street were formally in use as residential and kitchen and offices associated with the public house. The rooms on these floors are currently in a disused state. The application now proposes to provide a 5-bedroom unit across the first, second and third floor.
- 7.3.2. The applicant’s Design Statement suggests that as the residential unit is located above a public house, that the residential unit is ideal for short term let accommodation. I note that Dublin City Council included a condition restricting the use of the residential unit for long term use only. In this regard, I note that the appellants welcomed the return of long-term residential accommodation to upper floors of buildings on Camden Street. However, concern was raised by the appellants regarding the impact of the public house on the residential amenities of the proposed residential unit.

- 7.3.3. In response to the grounds of appeal, the applicant has however proposed to increase the acoustic compartment values to create a suitable acoustic environment for residential living.
- 7.3.4. Should the Board consider granting planning permission, I recommend that a similar condition to that included by Dublin City Council is included, which restricts the use of the unit for long term use only, in order to alleviate housing demand. I also recommend that a condition is included requiring the agreement of details in relation to the floor build up and acoustic compartment values.
- 7.3.5. Having regard to policies QHSN6, QHSN7, QHSN8 and QHSN11 of the *Dublin CDP*, I consider that the provision of a 5-bed residential unit will assist in the creation of a sustainable neighbourhood through revitalising the social and physical fabric of the city. Furthermore, I am satisfied that the provision of a residential unit on the site will assist in the reduction of underused building stock and will promote the realisation of the 15 minute city.
- 7.3.6. Noting the size of the proposed unit at 201.4sqm, the orientation of the building, the floor areas of the rooms and the private amenity space proposed, I consider that the development accords with national guidance and residential design standards. Furthermore, I concur with the Planning Authority's conclusion that the apartment will provide a high standard of accommodation for future residents.
- 7.3.7. As the apartment is located above a public house, I recommend that a condition is included in any grant of planning permission ensuring that the existing use shall not impact the residential amenity of the apartment to an unacceptable level in terms of noise, nuisance and emissions.
- 7.3.8. In relation to the bin and bike storage, the applicant states that it will be provided in the open space at first-floor level. The applicant notes that bin and recycling collection is on a daily basis. In accordance with *Sustainable Urban Housing: Design Standards for New Apartments*, there is a requirement for 5no. cycle storage spaces and a minimum requirement of 9sqm of private amenity space. Noting that the private amenity area proposed measures 10sqm, I am concerned that the private amenity space will become dominated by cycle parking and refuse storage which would negatively impact the amenity of the space. As highlighted above in section 3, the Planning Authority included 2no. conditions in relation to the submission of a

Servicing Management Plan and the submission of a revised plan showing cycle parking. Should the Board consider granting Planning Permission, I recommend that similar conditions are included to address refuse storage and cycle parking provision for the residential unit. This is discussed in further detail in the servicing section of this report.

- 7.3.9. To conclude, I consider that the apartment will provide a high standard of accommodation for future residents. Whilst I have concerns in relation to the cycle parking, refuse storage and the impact from the public house at ground floor on the residential amenities of future tenants, I consider that these items can be addressed by way of condition. Overall, I am satisfied that the delivery of a residential unit will allow for the re-use of upper floors, assist in revitalising the social and physical fabric of the city and will assist in reducing vacancy and the underuse of existing buildings.

7.4. Servicing

- 7.4.1. I acknowledge the appellants concerns regarding the servicing of the site and issues surrounding the storing of kegs and bins on Camden Row. As noted above, refuse storage for the apartment is proposed in the private open space. In relation to the public house, refuse and keg storage is proposed in the basement which is to be accessed via an external access hatch from Camden Row. The applicant notes that bin and recycling collection is on a daily basis. Whilst not part of the development proposal, the applicant outlines that the provision for refuse storage for the café at no. 91 Camden Street has been made at the ground floor rear yard after hours.
- 7.4.2. I note that on the ground floor, retention permission is sought for an area identified as a bar/ food servery. The area measuring 8.4sqm would extend the area serving alcohol and or food associated with the public house to the rear of nos. 2 and 3 Camden Row. I note from **reference no. 3695/19** that this location was permitted to provide 2no. WC's associated with no. 91. Under **reference no. 3695/19**, the replacement of bin storage with WC's was considered acceptable given that there is a daily collection service. Under **reference no. 2653/17**, this area was permitted to provide bin storage for the café at no. 91 and the residential units on upper floors.
- 7.4.3. In the subject application, I note that the Transportation Division recommended that the applicant be requested to submit a Servicing Management Plan for the whole

site, within the blue line boundary, which would include the servicing requirements of the concurrent planning application under **reference no. 3766/24** for no. 91 Camden Street. The Transportation Division also identified that the extension of the pub into the rear yard, which could be used to accommodate storage and servicing requirements, may lead to the overspill of servicing requirements on to the public road and is therefore not acceptable.

- 7.4.4. Having regard to the appellants concerns in relation to servicing, the report from the Transportation Division in the Planning Authority, the planning history on the site and the former locations for bin storage, I consider that the bar/ servery area is an appropriate location for bin and cycle storage for the residential unit. Should the Board consider granting planning permission, I recommend that a split decision is issued, refusing the retention of the existing bar/ servery area to enable the use of this space for storage purposes.

7.5. Scale of Extension of the Licensed Premises Area

- 7.5.1. As noted above, the appellants are concerned that the proposed development will result in the creation of a superpub and that it will lead to an overconcentration of licensed premises in the area which is not in accordance with Development Plan policy. I am aware that the Planning Authority had no concerns in this regard. The appellants have also highlighted concerns regarding anti-social behaviour associated with the public house and the resulting impact from the public house on residential amenity. In response to these concerns the applicant has outlined that the only increase in floor area is for the food/bar servery area. The applicant also explains that there is a reduction in the public house at first and second floor to accommodate the residential unit. With regards to the concerns raised in relation to anti-social behaviour, the applicant states that issues with noise can be addressed by way of condition. The applicant also states that the provision of a residential unit on the site will help improve the overall amenity of the area.
- 7.5.2. I note Section 15.14.12 of the *Dublin CDP* which sets out the importance of achieving a balance between the role of entertainment uses in the economy of the city, the provision of retail facilities and the protection of residential amenities.

- 7.5.3. I note that the public house seeks to retain its expansion to the rear of no. 3 Camden Row through the provision of a bar/ food servery area. Noting the size of the public house, in addition to this extension and the other works seeking retention and permission in this application, I do not consider that the development constitutes a superpub.
- 7.5.4. The Design Statement submitted by the applicant states that the food servery/ bar area was created during Covid. I note that the applicant's Planning Cover Letter outlines the objective to create a series of linked open spaces which will provide a shared high-quality amenity space. The drawings identify that the external space from no. 91 will also open out to the external space which is subject to this application. As noted above, no. 91 which is within the applicant's ownership, is also subject to a planning application under **reference no. 3766/24**.
- 7.5.5. I note the concerns raised by the appellants that the applicant is expanding the public house in a piecemeal fashion. I agree with this statement. Whilst the bar/ food servery area only measures 8.4sqm, it extends the sale of goods associated with the public house into the external amenity space.
- 7.5.6. I note section 15.14.12 of the *Dublin CDP* which states that when examining extensions to pubs, the amenity of neighbouring residents and occupiers should be taken into account. I am also aware of the appellants concerns regarding the impact of the development on Camden Row which they state is a transition zone. In response to this concern, the applicant has stated that the immediate environs of the site are characterised by commercial premises. I also note section 14.6 of the *Dublin CPD* in relation to transitional zone areas. Whilst I agree that the immediate environs are characterised by commercial premises, section 14.6 of the *Dublin CPD*, highlights the importance of avoiding developments that would be detrimental to the amenities of the more sensitive zones. In this instance, I consider the positioning of the site to be in a transitional location, noting the Z2 zoning further west on Camden Row and Z5 zoning to the north, both of which include residential development as a permissible use. I therefore consider that the bar/ food servery area in an outdoor space, is inappropriate and would negatively impact neighbouring residents and future occupiers of the residential unit on the upper floors by way of noise.

- 7.5.7. To conclude, I consider that the external bar/ food server area on the ground floor does not accord with section 15.14.12 of the *Dublin CDP* as it would negatively impact the amenity of neighbouring residents and future occupiers of the residential unit on the subject site. In addition, having regard to the extensive planning history on the site, I consider that the bar/ food server area would represent the expansion of the public house in a piecemeal fashion. As discussed in the Servicing section above, I recommend that the bar/ food survey area is omitted in order to provide an area for servicing of the site.
- 7.5.8. The application seeks to retain the provision of a storage and plant area at first-floor level on the rear return of no. 3. Having regard to its established use, on a confined city centre site, and the nature and scale of the development, it is considered that the retained storage/ plant room would not seriously injure the residential amenities of the area and would not impact the setting of the Protected Structures. The development is therefore considered to accord with Policies BHA2 and BHA11 of the *Dublin City Development Plan 2022 – 2028* in relation to the protection of the curtilage of protected structures and the reuse of older buildings.
- 7.5.9. The application proposes to retain the existing natural slated roof to no. 3 Camden Row in the location of the former abattoir. The roof covers the shared open space to the rear of no. 3 Camden Row. I note the Dublin City Council's Conservation Report which states that the abattoir shed encroaches on the roof of the cottage in a visually unsatisfactory way. However, the Conservation Officer concluded that it was acceptable for retention. I also note the concerns raised by the appellants regarding the noise generated by the development and its resulting impact on the residential amenities of local residents. The appellants also consider that the public house is expanding into other properties in a piecemeal fashion. In response to the third parties, the applicant has stated that this application is not applying for permission for the use of the abattoir shed by the public house. The applicant states that the abattoir shed was granted planning permission for use by the public house under **reference no. 2653/17** along with the laneway, which was previously part of the abattoir. From an examination of the drawings and documentation submitted at further information stage and the report from the Planning Authority, I disagree that the use of the abattoir shed by the public house has already been permitted. Under **reference no. 2653/17**, the area identified as "*shared space external space*" is the

area which was permitted for use by the public house along with the laneway. I note that the "*shared space external space*" in question fronts Camden Row and is the area where the new glazed roof is now proposed in the subject application. Under **reference no. 2653/17**, the location of the former abattoir, where the roof seeking retention is located, was identified as "*external café seating to cafe*". I therefore agree with the appellants that the public house is expanding its use into neighbouring properties, in this case the abattoir associated with no. 3 Camden Row.

7.5.10. In considering the issue at hand, I note that the Development Plan aims to achieve an appropriate balance between the role of entertainment uses in the city and protecting the amenities of residents. Section 15.14.12 of the *Dublin CDP* outlines that noise emanating from licensed premises needs to be addressed in planning applications, with details included relating to noise insulation and reduction measures. Thus, the onus is on the applicants to demonstrate that the development will not be detrimental to the residential amenities of the area.

7.5.11. In response to the third-party appeals the applicant has stated that condition no. 9(b) in the Notification of Decision in relation to operational noise addressed any noise issues from the development. The applicant has also proposed floor build up to the residential floor plate which would ensure a suitable acoustic environment for the residential unit on upper floors. I consider that the proposed floor build-up to the residential floor plate may be an acceptable solution to protect the residential amenities of the future residents on the upper floors from the noise generated by the ground floor use of the public house. Should the Board consider granting planning permission, I recommend that these details are agreed by way of condition. With regards to the retention of the roof to no. 3 Camden Row in the location of the former abattoir, I consider that if the roof is retained, the use of this space by the public house would intensify. In particular, I note that a stage, a tv and a speaker are located in this area. The hours of this space have not been confirmed by the applicant and I consider that the potential exists for significant noise impacts to arise to the occupants of neighbouring residential properties. I do not consider that the condition imposed by the Planning Authority in relation to operational noise to be sufficient in relation to the roof over the former abattoir.

7.5.12. Thus, whilst the need to promote mixed-uses in the economy of the city is acknowledged, in this instance, I consider that the retention of the roof to no. 3 in the

location of the former abattoir would expand the use of the public house to the external areas. This would therefore intensify the use of the public house and as such would be unacceptable, by reason of its likely significant noise impacts on adjacent residential properties. As such, I consider that retention permission should be refused for this element of the development.

- 7.5.13. I note the refurbishment work proposed to the building, including the extension of the ground floor bar counter. Having regard to Policies CCUV25 and CCUV35 in the *Dublin CDP* and the Z4 zoning of the site, I am satisfied that the proposed refurbishment work will support evening economy uses which contribute to the vitality of the city and that the development is in accordance with the zoning objective for the site. I acknowledge the appellants concerns regarding anti-social behaviour, litter associated with licensed premises and the impact of the public house on the residential amenities of adjacent properties. Not including the bar/ food server area and the roof of the former abattoir which have been discussed above, I however consider that the remaining works outlined in the description of development to be in accordance with section 15.14.12 and policies CCUV25 and CCUV35 of the *Dublin CDP*. I note that the Planning Authority included a condition in relation to noise. Should the Board consider granting Planning Permission, I recommend that a similar condition is included.
- 7.5.14. I acknowledge the appellants concerns regarding the Planning Authority's approach to noise disturbance and enforcement. However, enforcement is a matter for the Planning Authority and thus need not concern the Board for the purposes of this appeal.
- 7.5.15. The grounds of appeal state that the proposed development extends the licensed premises into Camden Row. I note however that the public house is already accessed from Camden Row and that under **reference no. 2653/17**, the use of the laneway by the public house was permitted. As discussed above, I do however consider that the retention of the bar/food server area and the roof over the former abattoir would intensify the use of the public house and I therefore recommend that these elements are refused.
- 7.5.16. In relation to street furniture, I am aware of the concerns that have been highlighted by the appellants regarding the existing and proposed provision of street furniture

along the public footpath. The drawings identify street furniture along the public footpath on Camden Row and contain a note stating that the street furniture is “*subject to outdoor seating licence under separate process*”. I note the appellants reference to a section 254 Licence for nos. 37 and 38 Camden Row which was refused due to traffic safety. I therefore consider that any provision of street furniture should be assessed under a separate street furniture licence and thus need not concern the Board for the purposes of this appeal.

7.6. Conservation

- 7.6.1. I note the refurbishment works seeking retention permission and permission on the site. As noted above under section 3.2.2, the Conservation Officer in Dublin City Council recommended that elements of the proposed development be omitted. The Conservation Officer also identified works where additional information is required and works that were acceptable. I note Policy BHA2 in the *Dublin CPD* which seeks to protect the special character and appearance of Protected Structures. Having examined the proposed works, I agree with the Conservation Officer that the following proposed development is acceptable and in accordance with Policy BHA2 of the *Dublin CPD*: the removal of non-original fabric, the provision of chasing on the walls, insulating between joists, installation of a spiral staircase between basement and ground floor, the use of Welsh Bangor Blue slate in the case of a shortfall of existing slate, replacement of non-original windows with timber sash windows, and the provision of storage and plant in the rear return of no. 3 Camden Row.
- 7.6.2. The Conservation Officer’s report from Dublin City Council recommended that the following items required details to be submitted: method statement for ceiling repairs, alternative heating system, method statement for the repair of the stairs from ground to first floor, details of the interventions for the spiral staircase between basement and ground floor, samples of brick and stone repairs, revised proposal for the remediation of the chimneystacks, details of the timber sash windows, details of the MVHR system and the consideration of an alternative system, details of the vent grilles, details of the existing front door to the residential unit and justification as to why replacement rather than repair is warranted and confirmation regarding the use of decentralised units. Having regard to Policy BHA2 of the *Dublin CPD* which outlines the importance of respecting the historic fabric of the Protected Structures, I agree with the Conservation Officer. I recommend that should the Board consider

granting Planning Permission, that a condition is included stipulating that details of the above works are submitted and agreed with the Planning Authority by way of condition.

- 7.6.3. The Conservation Officer's report from Dublin City Council recommended that the following items are omitted from the development: the sanding of floorboards, the provision of underfloor heating, the installation of an ensuite in the front room at second level, the installation of a DPC, the reinstatement of the clock and the relocation of the plaque to the side and the lengthening of the east-facing slope of the roof over the abattoir shed. Having regard to policies BHA2 and BHA9 in the *Dublin CDP*, I recommend that these works are omitted by way of condition in order to respect earlier interventions and accord with the *Dublin CDP*.
- 7.6.4. I acknowledge the concerns raised by the appellants that the report prepared by the Conservation Officer in Dublin City Council was not available for viewing on Dublin City Council's website. This is however the responsibility of the Planning Authority and thus need not concern the Board for the purposes of this appeal.
- 7.6.5. In the applicant's response to the third-party appeals, they have included a section on condition nos. 5 (C) parts (c) and (d). I note that 5 (C) part (c) relates to the omission of the second-floor front room en-suite bathroom. Condition 5 (C) part (d) relates to the omission of the proposed clock to the front façade and the retention of the date plaque in its current location.
- 7.6.6. With regards to condition no. 5 (C) part (d), the applicant states that they do not know when the clock was previously removed from the front elevation of no. 92 Camden Street. The applicant has also described the health and safety risk associated with the current poor condition of the plaque. The applicant has outlined how they propose to restore the plaque and locate it internally inside the public house. I am aware that the applicant has not submitted a first-party appeal in relation to these conditions. However, as I am assessing this application de novo, and given the nature of these conditions, which I do not consider impact third-parties, I think it is acceptable in this instance to examine these conditions. I note that the Conservation Officer from Dublin City Council was opposed to the relocation of the plaque in order to respect previous interventions and the historic evolution of the building. Having regard to the poor condition of the plaque, I recommend that should

the Board consider granting planning permission, that works for the repair of the plaque are agreed with the Planning Authority and that it is reinstated on the front elevation of the building.

7.6.7. In relation to the works on the roof of the former abattoir, I note that the Conservation Report states that the proposed lengthening of the east-facing slope of the roof over the abattoir shed shall be omitted. It also states that the existing pitched slate roof over the abattoir shed encroaches on the roof of the cottage and that it is acceptable for retention. The Conservation Report also considers that the provision of photovoltaic panels on the roof of the former abattoir are acceptable. Whilst the applicant states that the over-hang was an original feature, no supporting documentation has been submitted identifying this. In my opinion the roof of the cottage is historic and the proposed elongated roof would have a negative visual impact on the space. Should the Board consider granting Planning Permission, I recommend that the elongation of the roof of the abattoir is omitted. Furthermore, I note from the planning history of the site that the retention of the roof over the abattoir was refused under **reference no. 3695/19**. Under **reference no. 3695/19**, the Planning Authority stated that *“the roof structure is considered overbearing, and unsympathetic and has resulted in causing serious injury to the historic fabric and architectural character of the Protected Structures on site as well as seriously and permanently compromising the legibility of the grouping of the historic building (all Protected Structures) on site.”* The report concluded with stating that *“the proposals would result in an unacceptable loss of historic fabric and legibility, and would have an irreversibly detrimental and seriously injurious impact on the historic fabric, plan form integrity and architectural character of these rare and important Protected Structures”*.

7.6.8. During my site inspection, I noted the encroachment from the roof of the former abattoir onto the roof of the cottage to the rear of no.3. Having regard to the design of the constructed roof and its relationship to adjacent buildings, I consider that the roof structure over the former abattoir is overbearing and unsympathetic to its location among historic buildings and adjacent to Protected Structures. As such, I consider that the roof structure seeking retention has caused serious injury to the historic fabric and architectural character of the Protected Structures on site, as well as seriously and permanently compromising the legibility of the grouping of the

historic buildings, of which nos. 91 and 92 Camden Street and nos. 1 and 2 Camden Row, are Protected Structures.

- 7.6.9. I therefore agree with the Planning Authorities assessment of the roof on the abattoir under **reference no. 3695/19**. I note however the retention of the roof was considered acceptable by the Planning Authority in the subject application. However, I consider that the retention of the roof of the abattoir does not accord with policy BHA2 of the *Dublin CDP* which seeks to ensure that development conserves and enhances Protected Structures and that development affecting the setting of Protected Structures is sensitively sited and designed. Furthermore, I do not consider that the applicant has addressed the reasons for refusal for retaining the roof of the abattoir as set out under **reference no. 3695/19**. In addition, I am of the viewpoint that the proposed lengthening of the east-facing slope of the roof over the former abattoir would exacerbate the existing situation further. As such, I recommend that the proposed reinstatement of the original roof overhang of the abattoir and the retention of the existing natural slated roof to no. 3 Camden Row which covers the shared open space to the rear of no. 3 Camden Row are refused.
- 7.6.10. The development proposes to provide a glazed roof to the external space at no. 3. Camden Row. I note that this space is connected by a doorway to nos. 1 and 2 Camden Row and is used by the public house as an external amenity area. As highlighted above in the Planning History section, a similar roof was previously permitted in this location by Dublin City Council under **reference no. 2653/17**. This roof was never constructed.
- 7.6.11. I note that no. 3 Camden Row is not a protected structure and that it is located outside of the Conservation Area. However, no. 3 Camden Row adjoins and has been amalgamated into the Protected Structures at nos. 1 and 2 Camden Row and nos. 91 and 92 Camden Street. As such, I consider that any development must be carefully considered to ensure that it conserves the setting of the Protected Structures. Therefore, I note policy BHA2 of the *Dublin CDP* which states that it is policy of Dublin City Council to conserve and enhance Structures and that development affecting the setting of Protected Structures is sensitively sited and designed. Having regard to the proposed design, I do not consider that the proposed glazed roof will be visible from the street. Noting the materials proposed, the design of the glazed roof and its location adjacent to the Protected Structures, I consider

that the glazed roof is acceptable and would allow for the reuse of existing older buildings in line with policy BHA11 of the *Dublin CDP*. During my site inspection, I noted that speakers were located in this external amenity area where the partial glazed roof is proposed. Having regard to the grounds of appeal in relation to noise, I would be concerned about potential negative impacts on the residential amenities of adjacent residents, particularly noting that the glazed roof only partially covers the external area and would not contain noise. I therefore recommend that should the Board consider granting planning permission, that there is a condition restricting the location of speakers in external areas.

- 7.6.12. To conclude, I consider that the elements of the development seeking permission and retention permission, subject to conditions, accords with Policies BHA11, BHA9 and BHA2 of the *Dublin CDP* in relation to the reuse of an older building, the protection of the character of the Conservation Area and the protection of Protected Structures respectively. I am also of the viewpoint that the retention of the roof on the former abattoir and the proposed lengthening of the east-facing slope of the roof over the former abattoir do not accord with policy BHA2 of the *Dublin CDP* as they negatively impact the setting of the Protected Structures, thereby causing serious injury to the historic fabric and as a result compromise the legibility of the grouping of the historic buildings. I therefore recommend that the Board issue a split decision which would refuse the retention of the roof on the former abattoir and the proposed lengthening of the east-facing slope of the roof over the former abattoir.

7.7. Other Matters

Archaeology

- 7.7.1. I note that the site is within the Zone of Archaeological Constraint for the Recorded Monuments DU018-020 (Historic City) and DU018-020647 (dwelling) which are listed on the Record of Monuments and Places. I also note that the Archaeological Assessment which the applicant has submitted and the Archaeological Report from Dublin City Council. I am therefore satisfied that the potential archaeological impact is considered to be low. Should the Board consider granting planning permission, I recommend that a condition in relation to notifying the National Monuments Service is included, should any archaeological material be discovered.

Fire Safety

- 7.7.2. The appellants have concerns about the overall capacity of the public house, the associated fire certs, escape routes and fire safety of the building. The applicant has responded and stated that the capacity of the public house and information relation to fire safety are not planning considerations. While I understand the appellants concerns regarding fire safety, the issue of compliance with fire certs will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal.

Enforcement

- 7.7.3. The appellants have outlined areas on Camden Street where it is contended that planning permissions have not been complied with. Enforcement is however under the remit of the Planning Authority and thus need not concern the Board for the purposes of this appeal.

Planning Process

- 7.7.4. I note the concerns raised by the appellants that a separate application under **reference no. 3766/24** has been submitted for no. 91 Camden Street. The appellants raise concern that 1no. single planning application should have been submitted for the entire landholding. The applicant has responded to this concern by outlining that no. 91 Camden Street will operate independently and that subject to financial considerations may choose to implement the planning permissions at different times. I am satisfied with this response from the applicant and consider that the subject application has been designed to operate independently.

Signage

- 7.7.5. The appellants have highlighted that there have been instances in the past where advertising banners have been displayed on no. 91 Camden Street. Noting that nos. 91 and 92 Camden Street and nos. 1 and 2 Camden Row are Protected Structures, I recommend that should the Board consider granting Planning Permission, that a condition is included restricting advertising on the facades of the buildings.

Construction

- 7.7.6. The Planning Authority included standard conditions in relation to the construction and demolition phase of the development. Noting the city centre location of the site, I

consider that these conditions are warranted. Should the Board consider granting planning permission, I recommend that similar conditions are included.

8.0 AA Screening

- 8.1. Having regard to the development proposed being the provision of a residential unit and refurbishment works to a public house and associated buildings in a serviced urban area, I consider that no Appropriate Assessment issues arise and it is not considered that the proposed development will be likely to have a significant effect, either individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. I recommend that a split decision is issued. I note that reason nos. 2 and 4 in section 12 are new issues in terms of the appeal. The Board may wish to issue a s. 137 notice in relation to this.

- 9.2. Grant Permission for:

- 1) The refurbishment work and change of use from public house to residential use and associated private open space at first, second and third floors of 92 Camden Street.
- 2) The refurbishment works at basement and ground floor of no. 92 Camden Street.
- 3) The provision of a mono-pitched glazed roof to the inside face of the external walls to partially cover the outdoor seating area of the public house at no. 3 Camden Row.
- 4) The placing of photo voltaic panels on the rear slopes of nos. 1 and 2 Camden Row.
- 5) The works to the historic and modern fabric, including brickwork, vents, roofs, the date plaque, the creation of 2no. window openings and replacement and repair of windows.
- 6) The storage/ plant room at first floor level to the rear return of no. 3 Camden Row (9sq.m) formally Cottage no. 3.

9.3. Refuse permission for:

- 1) The retention of the existing natural slated roof to no. 3 Camden Row, which covers the shared open space to the rear of no. 3 Camden Row and for the food/ bar servery area at ground floor of the rear return of no. 3 Camden Row (8.4sq.m) formally Cottage no. 3.
- 2) The placing of photo voltaic panels to the rear slopes of the abattoir and the reinstatement of original roof overhang of no. 3 Camden Row.

10.0 Reasons and Considerations (1)

Having regard to the zoning and the established use on site, it is considered that the provision of a residential unit on the upper floors of the public house and other improvement works are in accordance with the zoning and character of the Protected Structures. The development is therefore in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and retained 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 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.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The following items shall be omitted from the development:</p> <p>(a) The natural slated roof which covers the shared open space (identified by no. 03-RM-GF-03) to the rear of no. 3 Camden Row.</p>

	<p>(b) The food/ bar server area (identified by no. 03-RM-GF-05) at ground floor of the rear return of no. 3 Camden Row.</p> <p>(c) The placing of photo voltaic panels to the rear slopes of the abattoir (identified by no. 03-RM-GF-03).</p> <p>(d) The reinstatement of the roof overhang of no. 3 Camden Row.</p> <p>Reason: In the interest of clarity and to protect the original fabric, character and integrity of the Protected Structures at nos. 91 and 92 Camden Street Lower, Dublin 2 and Nos. 1 and 2 Camden Row, Dublin 8.</p>
3.	<p>The residential unit at first, second and third floor shall be for long-term residential use only and shall not be sold, rented or otherwise sub-let or leased to other parties unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
4.	<p>The development shall comply with the following:</p> <p>(a) Where the noise in question does not contain acoustic features that enhance its impact such as tones or impulsive elements the LAeq level measured over 15 mins (daytime) or 5 minutes (night-time) at a noise sensitive premises when plant is operating shall not exceed LA90 (15 minutes day to 5 mins night) by 5 dB or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.</p> <p>(b) Where the noise in question does not contain accoustive features that enhance its impact such a tone or impulsive elements, the rating noise level, LAr, T shall be compliant with BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sounds.</p> <p>(c) No amplified music or other specific entertainment noise emissions shall be permitted within the outdoor seating area of the public house or any external areas to the rear or side of no. 3 Camden Row.</p>

	<p>(d) Amplified music or other specific entertainment noise emissions from inside the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 15 mins and the specific noise shall be measured at LAeq.T 15min.</p> <p>(e) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either</p> <ul style="list-style-type: none"> (i) during a temporary shutdown of the specific noise source, or (ii) during a period immediately before or after the specific noise source operates. <p>(f) When measuring the specific noise, the time (T) shall be any five 15 minute period during which the sound emission from the premises is at its maximum level.</p> <p>(g) Any measuring instrument shall be precision grade.</p> <p>Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. An acoustical analysis shall be included with this submission to the planning authority. The agreed sound proofing shall be installed before the occupation of the residential unit.</p> <p>Reason: In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.</p>
5.	<p>The Developer shall submit a Servicing Management Plan for the whole site (within the blue line boundary) to include the proposed development and to consider the cumulative servicing requirements for no. 91 Camden Street. The Service Management Plan shall utilise the ground floor of the</p>

	<p>rear return of no. 3 Camden Row, formally Cottage no. 3 in this regard for the residential unit.</p> <p>The strategy shall include layout plans clearly detailing storage areas of adequate size for bins, barrels and barriers. Items should not be stored on the public footpath and road. The Developer shall submit this plan within six months of the date of the final grant of permission.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
6.	<p>5no. safe and secure bicycle parking spaces at ground floor shall be provided for the residential unit within the site. Details of the layout and demarcation of these space shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
7.	<p>The Developer shall submit the following architectural conservation details for the written approval of the Planning Authority prior to the commencement of development:</p> <ul style="list-style-type: none"> (a) Revised reflective ceiling plans to omit the proposed installation of ceiling roses to the second floor front and rear rooms. (b) A detailed method statement for ceiling repairs. (c) Revised drawings showing the following omissions: <ul style="list-style-type: none"> I. Omit the sanding of historic floorboards. II. Omit under-floor heating and provide drawings for layout of space heaters/ radiators. III. Omit the second-floor front room en-suite bathroom. IV. Omit the proposed clock on the façade and retain the date plaque in its current location.

	<p>(d) A detailed method statement for the recording, protection tagging, dismantling, transportation repair, remodelling and reinstatement of the extant staircase (that is proposed to be relocated) shall be provided. Detailed drawings for the proposed spiral stairs showing interventions to historic fabric.</p> <p>(e) Samples of brick and stone cleaning, raking and repointing and brick repairs shall be provided for the written agreement of the Conservation Office in advance of works commencing on site. The Conservation Officer shall be given the opportunity to inspect elevations once scaffold has been erected, to identify any remnants of the original pointing technique at close quarters and to agree in writing, the most appropriate pointing technique for this structure.</p> <p>(f) The demolition and reconstruction of the chimneystacks is not supported. A revised proposal for the remediation of the chimneystacks shall be prepared by the conservation architect and may include the raking and repointing with a NHL 2-based lime mortar, the provision of new lime flaunching, the removal of vegetation and the provision of terracotta caps (if deemed appropriate for use).</p> <p>(g) Detailed drawings at 1:10 for the proposed historically accurate timber sash windows.</p> <p>(h) Revised internal drawings and external elevation drawings shall be revised to show all aspects of the MVHR system including the proposed location of vent grilles. The Developer shall clarify if the system shall employ decentralised units. The Developer shall confirm that such units are compatible for use/efficient within traditionally constructed historic buildings that are not airtight nor highly insulated.</p> <p>(i) Detailed photographs of the existing front door to the Proposed Residential Unit and justification as to why replacement rather than</p>
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	<p>repair is warranted. Detailed drawings at 1:20 shall be submitted for a historically accurate door and overlight.</p> <p>(j) Details of the proposed repair works to the plaque shall be submitted to the Planning Authority.</p> <p>Reason: In order to protect the original fabric, character and integrity of the Protected Structure at nos. 91 and 92 Camden Street Lower, Dublin 2 and Nos. 1 and 2 Camden Row, Dublin 8 and to ensure that the proposed works are carried out in accordance with the best conservation practice.</p>
8.	<p>The Developer shall comply with the following conservation requirements of the Planning Authority:</p> <p>(a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works 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 fabric and the curtilage of the Protected Structure.</p> <p>(b) All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.</p> <p>(c) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.</p> <p>(d) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric</p>

	<p>(e) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.</p> <p>Reason: In order to protect the original fabric, character and integrity of the Protected Structure at no. 92 Camden Street Lower, Dublin 2 and Nos. 1 and 2 Camden Row, Dublin 8 and to ensure that the proposed works are carried out in accordance with the best conservation practice.</p>
9.	<p>If, during the course of site works any archaeological material is discovered, the City Archaeologist shall be notified immediately. Further, it is obligatory under the National Monuments Act that the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland are notified.</p> <p>Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development</p>
10.	<p>No signage, advertising structures, advertisements, security shutters or other projecting elements, including flagpoles, (including that which is exempted development under the Planning and Development Regulations, 2001 as amended), other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity and to protect the character of the Conservation Area and the Protected Structures at nos. 91 and 92 Camden Street and nos. 1 and 2 Camden Row.</p>
11.	<p>The Developer shall comply with the following environmental health requirements of the Planning Authority:</p> <p>(a) Construction and Demolition Phase:</p> <p>I. The Air Quality Monitoring and Noise Control Unit advise that the developer must adhere to Dublin City Councils Construction and Demolition Good Practice Guide for</p>

	<p>Construction Sites for mitigation measures regarding air, noise and vibration pollution throughout the duration of the works. The company/contractor must make reference to this document in their construction management plan.</p> <p>II. Real time noise, vibration and air pollution monitoring must be in place for the duration of the construction works taking place and the monitoring data must be made available upon request to the Planning Authority.</p> <p>III. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays. Permission to work outside of these hours must be subject to the approval of Dublin City Council.</p> <p>IV. All site works shall follow best practice in relation to noise and air emissions. Appropriate dust suppression shall be employed to prevent fugitive emissions affecting those occupying neighbouring properties or public pathways. During any construction or commercial site clearance, excavated materials shall be damped down or otherwise suitably treated to prevent the emission of dust from the site. All stockpiles shall be planned and sited to minimise the potential for dust nuisance.</p> <p>(b) Operational Phase:</p> <p>I. No emissions, including odours, from the activities carried on at the site shall result in an impairment of, or an interference with amenities or the environment beyond the site boundary or any other legitimate uses of the environment beyond the site boundary.</p> <p>Reason: In order to protect the amenity of the surrounding area.</p>
12.	The drainage arrangements shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

	Reason: To ensure a satisfactory standard of development
13.	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.</p>
14.	<p>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.</p> <p>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.</p>
15.	<p>The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement</p>

	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
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12.0 Reasons and Considerations (2)

1. The development proposes to provide a residential unit on upper floors. Residential dwellings are also located further west of the site on Camden Row. Having regard to the location of the shared open space and food/bar servery to the rear of no.3 Camden Row in relation to residential properties, and the intensification of the use of this space which would arise on foot of its enclosure, the Board is not satisfied based on the evidence submitted with the planning application and appeal, that the retained roof covering and food/bar servery, would not seriously injure the residential amenities of properties in the vicinity of the site by way of intensification of the use of the public house into the external amenity space and associated noise impacts. The development is therefore not considered to accord with sections 14.6 and 15.14.12 of the *Dublin City Development Plan 2022-2028* in relation to avoiding developments that would be detrimental to the amenities of more sensitive zones and extensions to public houses.
2. Whilst no. 3 Camden Row and its associated open space is not a Protected Structure, it adjoins and has been amalgamated into the Protected Structures at nos. 91 and 92 Camden Street and nos. 1 and 2 Camden Row, all of which

are within the ownership of the applicant and within the site boundary. The Board considers that the construction of the roof over the shared open space has caused injury to the historic fabric and has compromised the legibility of the grouping of the historic buildings on site. Thus, the retention of the roof does not accord with policy BHA2 of the *Dublin City Development Plan 2022 – 2028* which seeks to ensure that development conserves and enhances Protected Structures and that development affecting the setting of Protected Structures is sensitively sited and designed. The development seeking retention is therefore considered to materially and adversely affect the character of the Protected Structures. The development for which retention permission is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the roof of the abattoir and the design of the reinstatement of the original roof overhang, it is therefore considered that the proposed roof overhang and proposed photo voltaic panels through their placement on a roof covering an external area of the public house, would seriously injure the residential amenities of properties in the vicinity of the site by way of intensification of the use of the public house into the external amenity space and would have associated noise impacts. The development is therefore not considered to accord with sections 14.6 and 15.14.12 of the *Dublin City Development Plan 2022-2028* in relation to avoiding developments that would be detrimental to the amenities of more sensitive zones and extensions to public houses.
4. Whilst no. 3 Camden Row and its associated open space is not a Protected Structure, it is adjoining and has been amalgamated into the Protected Structures at nos. 91 and 92 Camden Street and nos. 1 and 2 Camden Row, all of which are within the ownership of the applicant. The Board therefore considers that the proposed roof overhang would cause injury to the historic fabric and would compromise the legibility of the grouping of the historic buildings further. The roof overhang would therefore not accord with policy BHA2 of the *Dublin City Development Plan 2022 - 2028* which seeks to ensure that development conserves and enhances Protected Structures and that development affecting the setting of Protected Structures is sensitively

sited and designed. The development seeking permission is therefore considered to materially and adversely affect the character of the Protected Structures. The development for which permission is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Catherine Hanly
Planning Inspector

09/12/2024

13.0 Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320159-24		
Proposed Development Summary	Permission & retention: Internal and external renovations and alterations to public house, including partial change of use to create one five-bedroom residential unit, together with all associated works.		
Development Address	Number 92 Camden Street Lower, Dublin 2 and Numbers 1, 2 and 3 Camden Row, Dublin 8		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10 (b) (i) of Part2: threshold 500 dwelling units	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4

		It provides 1no. residential unit and the threshold is 500.	
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	x	It provides 1no. residential unit and the threshold is 500.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	x	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector:

Date: 09/12/2024

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-320159-24	
Proposed Development Summary	Permission & retention: Internal and external renovations and alterations to public house, including partial change of use to create one five-bedroom residential unit, together with all associated works.	
Development Address	Number 92 Camden Street Lower, Dublin 2 and Numbers 1, 2 and 3 Camden Row, Dublin 8	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development.</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The subject development comprises the provision of a residential unit on the upper floors of a public house and refurbishment work to a public house. The site is located in the city centre. The proposed development would not be exceptional in the context of the existing environment.</p>	No

	<p>During the demolition and construction phases, the proposed development would generate waste during excavation and construction. However, given the moderate size of the site and the quantity of refurbishment work proposed, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the demolition, construction or operational phase due to the nature of the proposed use.</p>	
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The proposed development consists of refurbishment work to a public house and the provision of 1no. residential unit on the upper floors of a public house and are not considered exceptional in the context of neighbouring buildings.</p> <p>Owing to the serviced urban nature of the site and the infill character of the scheme, I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.</p>	No

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>The application site is not located in or immediately adjacent to any European site. The closest Natura 2000 site is the South Dublin Bay and River Tolka Estuary Special Protect Area (site code 004024) and South Dublin Bay Special Area of Conservation (site code 000210) which are 3.5km from the site.</p> <p>The site adjoins a Protected Structure at no. 91 Camden Street.</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector:

Date: 09/12/2024