



An
Bord
Pleanála

Inspector's Report

ABP-322054-25

Development

PROTECTED STRUCTURES:
Construction of a partially enclosed pavilion area with an acoustic glass screen. Construction of an acoustic glazed low-level structural wall and frame. Construction of 2 No. external canopies with an uncovered patron smoking area. A green roof system above the pavilion, including acoustic glass skylights together with all associated works. No.s 1, 2, 3, 4 and 5 Camden Street Upper and No.s 50 and 51 Camden Street Lower are each designated Protected Structures.

Location

On lands at Keavan's Port Hotel, No.s 1-5 Camden Street Upper and No.s 49-51 Camden Street Lower, Dublin 2.

Planning Authority

Dublin City Council South.

Planning Authority Reg. Ref.

WEB2706/24.

Applicant(s)

JD Wetherspoon PLC.

Type of Application	Planning Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party Appeal.
Appellant(s)	JD Wetherspoon PLC (1 st Party).
Observer(s)	<ol style="list-style-type: none"> 1. Martin & Niamh Bolger. 2. Niamh Moran. 3. Grantham St. Residents Association. 4. Suzie Willoughby. 5. Richard Duggan. 6. West of Camden Residents Association. 7. Naoise M^cNally & Ronan Lyons. 8. Peter O'Reilly & Colm Doyle. 9. Derek Tynan.
Date of Site Inspection	16 th day of May, 2025.
Inspector	Patricia M. Young.

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1.0 Site Location and Description

- 1.1. This appeal site relates to the southern courtyard area of Keavan's Port hotel (Note: site has a total of 2,560m²). This hotel consists of a collection of period buildings (Note: No.s 1 to 5 Camden Street Upper and No.s 49 to 51 Camden Street Lower), all with the exception of No. 49 Camden Street Lower are designated Protected Structures) and their glazed atrium link extension which provides connection to a contemporary addition that to the rear addresses Grantham Place. This collection of buildings and spaces is in use as a hotel with ancillary bar and restaurant facilities on foot of previous grant of planning permission at the site. This included the restoration, refurbishment, and additions to existing period of merit on this site.
- 1.2. The courtyard area to which this application relates is located to the south of a light weight glazed link that provides connection to the rear of its Georgian period buildings to a modern addition that fronts onto this space and Grantham Place. At the time of inspection whilst including seating, landscaping, and a number of structures it was not in use. To the south of it the site is bound by adjoining and neighbouring Protected Structures (Note: No. 6 and 7 Camden Street Upper) that form part of what was once a larger terrace group that fronted onto the western side of Camden Street with access from Grantham Place a restricted in width former service lane.
- 1.3. Keavan's Port Hotel site is located to the south of Dublin's historic city centre circa 500m to the south west of St. Stephen's Green and with its surrounding setting consisting of a vibrant mixture of land uses that are in part reflected by its 'Key Urban Villages/Urban Villages - Z4' land use zoning under the Dublin City Development Plan, 2022-2028. Camden Street is also accessible in terms of public transport including buses and Luas with a cycle lane running immediately alongside the adjoining public footpath.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following works:
 - Construction of a partially enclosed pavilion area (52m²) located 18.71m from the existing southern boundary wall to Courtyard 1 with an acoustic glass screen (c.4m in height, c.8.2m wide & c.52.5mm thick glass) fixed to the pavilion and wall at an angle

with an acoustic quilt (100mm) installed under the roof steel beam frame of the pavilion.

- Construction of an acoustic glazed low-level structural wall and frame (c.3.58m in height & c. 8.5m wide) facing the south side boundary of the courtyard, to prevent patron access to southern end of the external courtyard.
- Construction of 2 No. external canopies located either side of the pavilion, with an uncovered patron smoking area (105m²) to the northern end of Courtyard 1.
- A green roof system above the pavilion (48m²), including acoustic glass skylights.
- All associated site works.

This application includes but is not limited to the following documentation:

- Planning Application Report
- Noise Impact Assessment
- Light Study
- Acoustic Screen Detailing
- Courtyard No. 1 – Customer Management Plan
- Conservation Report
- Façade Design Report
- CGI Rendering of the Proposed Development

Note: No.s 1, 2, 3, 4 and 5 Camden Street Upper and No.s 50 and 51 Camden Street Lower, are designated Protected Structures under Volume 4 – Record of Protected Structures of the Dublin City Development Plan.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 13th day of February, 2025, the Planning Authority issued a notification to **refuse** permission for the development set out under Section 2 of this report above for the following stated reason:

“The proposed development would constitute an unacceptable over-development of the open courtyard area to the rear of the Protected Structure at No. 3 Camden Street Upper, effectively infilling the remaining open area between the rear elevation of one of the Protected Structures and the modern hotel structure behind. This would result in causing serious injury to its special architectural character and setting and would contravene Policies BHA2 and BHA9 of the Dublin City Council Development Plan 2022 – 2028. The proposal would set an undesirable precedent for similar type development and would be contrary to the proper planning and sustainable development of the area”.

3.2. Planning Authority Reports

3.2.1. Planning Reports (11.02.2025): The Planning Officer’s report is the basis of the Planning Authority’s decision, and it includes the following comments:

- The proposed development is acceptable in principle.
- Reference is made to the Environmental Health Officers considerations.
- Previous acoustic measures were refused for the subject courtyard area.
- Reference is made to the concerns raised by the Conservation Officer.
- No daylight or sunlight impacts arising to properties in the vicinity.
- No AA/EIA issues arise.
- The capacity of the courtyard at 244 people is considered excessive. The noise assessment on the parent application tested the courtyard for a capacity of 60 patrons.
- Concludes with a recommendation for refusal of permission.

3.2.2. Other Technical Reports

- **Conservation Report (29.01.2025):** Concludes with a recommendation for refusal of permission. It includes the following comments:
 - The proposed development would not enhance the curtilage of the Protected Structures nor the special character of the red hatch conservation area.

- The proposed infill pavilion structure would constitute an unacceptable over-development of the open courtyard area to the rear of the Protected Structure at No. 3 Camden Street Upper and would be detrimental to its special character.
 - This development would effectively infill the remaining open area between the rear elevation of one of the Protected Structures and the modern hotel structure.
 - Concludes that the proposed development contravenes Policies BHA2 (d), (e), (f) and BHA9 of the Development Plan and undesirable precedent.
- **Air Quality Monitoring & Noise Control Unit (05.02.2025):** No objection subject to safeguards which includes monitoring and the use of the beer garden space by patrons will be restricted between the hours of 10am to 11pm.
 - **Engineering Drainage Division (09/01/2025):** No objection, subject to safeguards.

3.3. Prescribed Bodies

- 3.3.1. **Transport Infrastructure Ireland:** Not exempt from the payment of a Section 49 contribution scheme levy.
- 3.3.2. **Note to the Board:** During the course of the Planning Authority's determination of this subject planning application they referred this planning application to An Taisce; An Chomhairle Ealaíon; the Department of Housing, Local Government & Heritage; The Heritage Council; Fáilte Ireland, the National Transport Authority and Irish Water. No responses were received.

3.4. Third Party Observations

- 3.4.1. During the course of the Planning Authority's determination of this planning application they received several Third-Party Observations. The content of these submissions I have noted as part of my assessment of this appeal case, and they are attached to file. I concern that the key planning issues raised in them correlate with those raised by the several Third-Party Observers in their submissions to the Board which I have summarised under Section 6 of this report below.

4.0 Planning History

4.1. Site

- **P.A. Ref. No. 3816/23:** Permission was **refused** for development on lands at Keavan's Port, 1-5 Camden Street Upper and 49-51 Camden Street Lower, Dublin 2 (Protected Structures) comprising of the construction of an acoustic barrier (c.13.2m in height, c.8.1m in width) with rock panel wood panelling rainscreen finish immediately adjoining the existing south courtyard boundary wall between the rear of No. 5 Camden Street Upper and the hotel building to provide noise mitigation within the southern courtyard. The stated reason reads:

“The proposed 13.2 metre high acoustic barrier would create an unacceptably high, solid barrier in an inappropriate material and would seriously injure the architectural character, setting, special interest and amenity of protected structures Nos. 1, 2, 3, 4, 5 Camden Street Upper within the subject site, and also that of the adjoining No. 6 Camden Street Upper, and the remainder of the terrace to the south, and would create an unwelcome precedent for such an unsympathetic intervention. The proposed development would contravene Policies BHA2 and BHA9 of the Current Dublin City Council Development Plan 2022 – 2028, would seriously injure the amenities, or depreciate the value of property in the vicinity and such, would be contrary to the proper planning and sustainable development of the area”.

Decision date: 17.07.2023.

- **ABP-309492-21 (P.A. Ref. No. 3801/20):** (Split Decision) On appeal to the An Bord Pleanála retention permission was granted for the addition of 1 no. free standing internally illuminated menu board to the right of the main entrance at No. 49 Camden Street Lower and the addition of 1 no. projecting sign, internally illuminated with a warm white LED to the front elevation of No. 49 Camden Street Lower immediately above the fascia level. Additionally, permission was refused for the addition of ‘Wetherspoon’ in individual wall mounted lettering with no illumination above second floor level to the front elevation of No. 49 Camden Street Lower for the following stated reasons and considerations:

“The development proposed to be retained is located within a Conservation Area and it is considered that the proposed signage, located above the second floor level, would

create visual clutter to the front façade of the building and would give rise to serious injury to the character and visual amenities of this sensitive streetscape and to adjacent protected structures. The development proposed to be retained would also set an undesirable precedent for similar type development and would, therefore, be contrary to the proper planning and sustainable development of the area.”

Decision date: 28.06.2021.

- **P.A. Ref. No. 3351/20:** Permission was granted for the retention of modifications to development previously permitted under ABP Ref. No. PL29S.247635 (P.A. Ref. No. 2045/16). Modifications were internal and external as well as resulted in the reduction in the number of hotel bedrooms from 98 to 89 in total. (Decision date: 03.11.2020).

I note Condition No. 2 of the grant of permission required that: *“the terms and conditions of the permission for the original development, which was issued under Reg. Ref. 2045/16 (PL29S.247635) shall be fully complied with, except where modified by this permission”*. The stated reason reads: *“to provide for an acceptable standard of development”*.

I also note that Condition No. 6 of the notification to grant permission, required the developer to comply with the following requirements of the Environmental Health Section of Dublin City Council:

“a) Noise levels from the proposed development 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. The rated noise levels from the site (defined as LAeq 1 hour) shall not exceed the background noise level (as defined in B.S. 4142:2014 by 10 dB or more.

b) There shall be no music within the external areas or directed into the external areas of the premises.

c) The external courtyards shall be acoustically treated as per paragraph 5.2 of the AWN Noise Impact Assessment, reference RM/16/8949NR01 submitted as part of App Ref 2045/16 to the planning authority on the 3rd day of October, 2016. An

assessment shall be carried out within six months of the premises opening, at an appropriate time and under appropriate conditions, to ensure that the measures taken are adequate to prevent noise nuisance at the neighbouring domestic dwellings”...

“f) A noise mitigation plan shall be drawn up and submitted to the planning authority, prior to the commencement of use, detailing the measures that will be taken to minimise delivery noise. The plan shall include information on the types of vehicles to be used and how refrigeration and engine noise will be dealt with.

g) The cumulative noise level of all plant and equipment used on site shall not exceed 40dB LAeq(1 hour) when measured at any neighbouring noise sensitive dwelling”.

I note that the given reason for the requirements of Condition No. 6 was to ensure a satisfactory standard of development, in the interest of residential amenities of both the immediate neighbours and general surroundings.

- **PL29S.247635 (P.A. Ref. No. 2045/16):** On appeal to the An Bord Pleanála permission was **granted** for the change of use of buildings and construction of new buildings for hotel with bar/restaurant. Of relevance to this appeal case the proposed development included two new external landscaped courtyard spaces that were to be provided on either side of the link building to the rear of No.s 1-5 Camden Street Upper and No.s 50 to 51 Camden Street Lower respectively. It also included works to the rear of the existing front buildings (No.s 1 to 5 Camden Street Upper and No.s 49 to 51 Camden Street Lower). These works comprised of the demolition of remnants of existing extensions and existing lift shaft, repairs/replacement of windows and cleaning and repointing of brickwork as required.

I also note that Condition No. 12 included the following subsections:

“(a) There shall be no music within the external areas or directed into the external areas of the premises.

(b) The external courtyards shall be acoustically treated as per paragraph 5.2 of the AWN Noise Impact Assessment, reference RM/16/8949NR01 submitted to the planning authority on the 3rd day of October, 2016. An assessment shall be carried out within six months of the premises opening, at an appropriate time and under appropriate conditions, to ensure that the measures taken are adequate to prevent noise nuisance at the neighbouring domestic dwellings”...

“(e) A noise mitigation plan shall be drawn up and submitted to the planning authority, prior to the commencement of use, detailing the measures that will be taken to minimise delivery noise. The plan shall include information on the types of vehicles to be used and how refrigeration and engine noise will be dealt with.

(f) The cumulative noise level of all plant and equipment used on site shall not exceed 40dB LAeq(1 hour) when measured at any neighbouring noise sensitive dwelling.”

Decision date: 18.04.2017.

- **ABP Ref. No. PL29S.243008 (P.A. Ref. No. 3316/13):**

On appeal to the An Bord Pleanála permission was granted for a development consisting of the refurbishment/alterations and change of use and construction of hotel with ancillary public restaurant and bar together with all associated site works.

Decision date: 14.02.2014.

4.2. Setting

- 4.2.1. Though I note that the First Party Appellant contend that there are precedents for the proposed development these are not within the surrounding setting of the site through to the constraints and merits are not in my view the same with local through to national planning provisions having evolved since their determination. Having examined the planning history of surrounding setting I am of the view that there are no recent and/or relevant planning history cases in relation to the proposed development.

5.0 Policy Context

5.1. Local

- 5.1.1. The Dublin City Development Plan, 2022-2028, is applicable under which the site adjoins land on its northern side that forms part of a larger parcel of urban land that is zoned ‘Z4 – Key Urban Villages/Urban Villages’. The stated land use zoning objective is: *“to provide for and improve mixed-services facilities.”*
- 5.1.2. Section 14.7.4 of the Development Plan states that these areas: *“function to serve the needs of the surrounding catchment providing a range of retail, commercial, cultural, social and community functions that are easily accessible by foot, bicycle or public*

transport; in line with the concept of the 15-minute city". It also sets out that proposals for development within these areas should be in accordance with a number of principles in addition to complying with the land-use zoning. These include but are not limited to:

- Transport: *"Provide improved access to these systems and incorporate travel plans, which prioritise the primacy of pedestrian and cyclist movement and address the issue of parking facilities and parking overflow. Ensure that enhanced connectivity and permeability is promoted."*
- Commercial/Retail: *"Promote the creation of a vibrant retail and commercial core with animated streetscapes. A diversity of uses should be promoted to maintain vitality throughout the day and evening."*
- Built Environment: *"Ensure the creation of high-quality, mixed-use urban districts with a high quality public realm, distinctive spatial identity and coherent urban structure of interconnected streets and child-friendly, accessible public spaces and urban parks. Development should have regard to the existing urban form, scale and character and be consistent with the built heritage of the area."*

5.1.3. The subject courtyard area forms part of a red lined hatched area that is designated a Conservation Area with this extending to the north and south of it as well as encompassing either side of Camden Street Upper and Lower in the vicinity of the site.

5.1.4. Section 11.5.3 of the Development Plan in relation to red lined conservation areas indicate that they are recognised as having *"conservation merit and importance and warrant protection through zoning and policy application."* It also states that: *"these areas require special care in terms of development proposals. The City Council will encourage development which enhances the setting and character of Conservation Areas."* The site's setting forms part of a period urbanscape that contains several Protected Structures.

5.1.5. Section 15.14.1 of the Development Plan deals specifically with Hotels and Aparthotels.

5.1.6. Section 15.14.1.1 of the Development Plan indicates that hotel development is encouraged to provide for publicly accessible facilities such as café, restaurant and bar uses to generate activity at street level throughout the day and night. Hotels are

also encouraged to provide a mix of publicly accessible uses vertically throughout the building such as roof terrace restaurant and bars to further generate activity.

5.1.7. Section 15.14.12 of the Development Plan deals with Licence Premises. It states that: “in recognition of the importance of Dublin as a thriving and multi-dimensional capital city, there is a need to facilitate the concept of the 24-hour city, particularly in the city centre and other key urban villages”. It further indicates that the Council will: *“encourage entertainment/cultural/music uses which help create an exciting city for residents and tourists alike. 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”.*

5.1.8. Additionally, Section 15.14.12 of the Development Plan states that: *“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”.* It further sets out that the following matters will be considered when assessing planning proposals for these uses and extensions to such uses:

- The amenity of neighbouring residents and occupiers.
- Hours of operation.
- Traffic management.
- Shop frontage treatment and impact on streetscape.

- Proposed signage.

5.1.9. Section 15.15.2.3 of the Development Plan in relation to Protected Structures states that: *“works to a protected structure should be carried out in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and the Conservation Advice Series published by the Department of Housing, Local Government and Heritage”* and that: *“all planning applications for development/works to Protected Structures must provide the appropriate level of documentation, including an Architectural Heritage Impact Assessment, in accordance with Article 23 (2) of the Planning and Development Regulations, 2001 (as amended) and chapter 6 and appendix B of the ‘Architectural Heritage Protection Guidelines for Planning Authorities’ (2011), to assist in the assessment of proposals”*. It also states that: *“in assessing proposed development works (inclusive of extensions, alterations, change of use. etc.) to a Protected Structure, the Planning Authority will ensure compliance with the policies, objectives and provisions of Chapter 11, Section 11.5.1 of this plan”*.

5.1.10. Section 15.15.2.2 of the Development Plan in relation to Conservation Areas alongside noting the guidance set out under Chapter 11 Section 11.5.2 of the Development Plan states that: *“all planning applications for development in Conservation Areas shall:*

- *Respect the existing setting and character of the surrounding area.*
- *Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.*
- *Protect the amenities of the surrounding properties and spaces.*
- *Provide for an assessment of the visual impact of the development in the surrounding context.*
- *Ensure materials and finishes are in keeping with the existing built environment”*.

5.1.11. Chapter 7 of the Development Plan deals with the matter of The City Centre, Urban Villages and Retail. It includes:

Section 7.3: *“There has been growing recognition of the role the night time sector plays / can play in the economy of cities. The development of a 24 hour city in Dublin City has the potential to draw more people into the city, thereby supporting other city centre uses and supporting job growth and the city’s economy. Tackling the perceived image of an unsafe night environment, however, in*

certain areas of the city, and issues such as the lack of night time public transport and the potential for conflict with other uses such as residential uses needs to be managed and addressed”.

Section 7.5.3: Key Urban Villages, Urban Villages and Neighbourhood Centres:

“The city’s Key Urban Villages, urban villages and neighbourhood centres have their own identity and sense of place and allow all parts of the city to access a wider variety of commercial, community, social and cultural services locally. These centres support the concept of the 15 minute city ...”.

Section 7.5.6: *“Food and Beverage Sector / Markets Dublin City has a huge range of food and drink establishments. They play a vital role in supporting the visitor economy (day and evening), providing local employment opportunities and contributing to the city’s vitality.”*

Policy CCUV32: *“Proposals for outdoor dining ... where they would not harm local amenity or compromise pedestrian movement, accessibility needs or traffic conditions”.*

Section 7.5.7: Evening and Nighttime Economy:

“The evening and night time economy refers to social, cultural and economic activity occurring between specified night time hours. There has been growing recognition of the role the night time sector plays / can play in the economy of international cities. Evening and night-time economy uses comprise a wide range of uses including restaurants, pubs, cinemas, dance and music venues and theatres”... “Evening and night-time economy uses contribute to the vitality and vibrancy of the city centre and contributes positively to the visitor experience and local economy”.

Policy CCUV35: *“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”.*

Policy CCUV36: *“To support uses that would result in the diversification of the evening and night time economy where there is little impact on the amenity of adjoining or adjacent residential uses through noise disturbance and where there are no negative cumulative impacts in terms of other night-time economy uses in the area”.*

5.1.12. Chapter 10 of the Development Plan deals with the matter of Green Infrastructure and includes Policy GI6 which seeks to ensure that new developments integrate green infrastructure and are environmental resilient. It also seeks to ensure that developments do not give rise to any adverse biodiversity impacts.

5.1.13. I note that Volume 5 of the Development Plan sets out its supporting Strategic Environmental Assessment (Environmental Report) and Volume 6 sets out the Appropriate Assessment (Natura Impact Report).

5.2. Regional

5.2.1. **Regional Spatial and Economic Strategy (RSES), 2019 to 2031.**

5.3. National

5.3.1. **Project Ireland 2040 - National Planning Framework (NPF), 2018-2040, as amended.**

5.3.2. **Architectural Heritage Protection Guidelines for Planning Authorities, Department of Arts, Heritage, Gaeltacht, 2011.**

5.3.3. **Climate Action Plan, 2025.**

5.3.4. **National Biodiversity Action Plan, (NBPA), 2023-2030.**

5.3.5. **Places for People – the National Policy on Architecture, 2022.**

5.3.6. **Appropriate Assessment Guidelines for Planning Authorities, 2009.**

5.3.7. **Development Management Guidelines for Planning Authorities, 2007.**

5.4. Natural Heritage Designations

5.4.1. The site located circa 3.5km to the west of Special Area of Conservation: South Dublin Bay (Site Code: 000210) and Special Protection Areas: South Dublin Bay and River

Tolka Estuary (Site Code: 004024) as the bird would fly. These Natura 2000 site overlap with Proposed Natural Heritage Areas: South Dublin Bay (Site Code: 000210).

- 5.4.2. At closer proximity to the site is located circa 350m to the north of Proposed Natural Heritage Areas: Grand Canal (Site Code: 002104) as the bird would fly.

5.5. EIA Screening

- 5.5.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

5.6. Built Heritage

- 5.6.1. The site contains the following NIAH listings (Note: these period properties are afforded protection as designated Protected Structures under Volume 4 of the Dublin City Development Plan, 2022-2028):

- **No. 51 Camden Street Lower, Dublin 2 (NIAH Reg. No. 50110419):** This attached two-bay three-storey former house over basement, built circa 1820, having return to rear (west) elevation is given a 'Regional' rating, and its categories of special interest are listed as 'Architectural' and 'Artistic'.
- **No. 50 Camden Street Lower, Dublin 2 (NIAH Reg. No. 50110418):** This attached two-bay three-storey former house over basement, built circa 1820, having return to rear (west) elevation is given a 'Regional' rating, and its categories of special interest are listed as 'Architectural' and 'Artistic'.
- **No. 1 Camden Street Upper, Dublin 2 (NIAH Reg. No. 50110417):** This attached former pair of two-bay three-storey houses over basement, built circa 1815, later combined into one unit, and used as convent and more recently used as hostel. They are given a 'Regional' rating, and their categories of special interest are listed as 'Architectural'; 'Artistic'; 'Historical' and 'Social'.

- **No. 2 Camden Street Upper, Dublin 2 (NIAH Reg. No. 50110416):** This attached two-bay three-storey former house over basement, built c. 1815, as pair with adjoining house to south. Later used as convent. It is given a 'Regional' rating, and its categories of special interest are listed as 'Architectural'; 'Artistic'; and 'Historical'.
- **No. 3 Camden Street Upper, Dublin 2 (NIAH Reg. No. 50110415):** This attached two-bay three-storey former house over basement, built circa 1815, as pair with adjoining house to south. Later used as convent. It is given a 'Regional' rating, and its categories of special interest are listed as 'Architectural'; 'Artistic'; and 'Historical'.
- **No. 4 Camden Street Upper, Dublin 2 (NIAH Reg. No. 50110414):** This attached two-bay three-storey former house over concealed basement, built circa 1815, having later commercial unit inserted to ground floor. It is given a 'Regional' rating, and its categories of special interest are listed as 'Architectural'; 'Artistic'; and 'Historical'.
- **No. 5 Camden Street Upper, Dublin 2 (NIAH Reg. No. 50110413):** This attached two-bay three-storey former house over concealed basement, built circa 1815, having attic accommodation and commercial unit to ground floor. It is given a 'Regional' rating, and its categories of special interest are listed as 'Architectural'; 'Artistic'; and 'Historical'.

5.6.2. I note that the subject courtyard is adjoined by the following NIAH listing (Note: this property is also a designated Protected Structure under the Development Plan):

- **No. 6 Camden Street Upper, Dublin 2 (NIAH Reg. No. 50110412):** This attached two-bay three-storey former house over basement, built circa 1815, with attic accommodation and shopfront to front (east) elevation. In use as a as pre-school. It is given a 'Regional' rating, and its categories of special interest are listed as 'Architectural' and 'Artistic'.

5.6.3. I also note neighbouring properties that are in the visual context of the subject courtyard are:

- **No. 7 Camden Street Upper, Dublin 2 (NIAH Reg. No. 50110411):** This attached two-bay three-storey former house over basement, built c. 1815, having attic accommodation. Now in use as offices with apartment over. It is given a 'Regional' rating, and its categories of special interest are listed as 'Architectural' and 'Artistic'.

- **No. 8 to 9 Camden Street Upper, Dublin 2 (NIAH Reg. No. 50110411):** This attached former pair of two-bay three-storey houses over concealed basement and with attic accommodation, built circa 1815, having recent shopfront to ground floor. Now in use as café to ground floor, with four-bay house to upper floors. It is given a 'Regional' rating, and its categories of special interest are listed as 'Architectural' and 'Artistic'.

Note: These properties are also designated Protected Structure under the Development Plan.

- 5.6.4. Note: No. 52 Camden Street Lower, Dublin 2, is both a designated Protected Structure and listed in the NIAH where it is given a 'Regional' rating and the adjoining courtyard to the immediate south of it and to the north of the glazed link structure does not form part of this application. This link also visually screens the appeal site from the rear of this property as well as the similarly Protected and NIAH listed property of No. 56 Camden Street Lower to the north.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The First Party seek that the Board overturn the Planning Authority's decision and grant permission for the development sought under the subject application. Their appeal submission is accompanied by Technical Note prepared by their noise consultant; a conservation assessment and an additional architectural drawing labelled PL-I25. It can be summarised as follows:

Planning Authority's Decision

- The decision to refuse permission for the proposed development is not based on a reasonable assessment of what is a bespoke solution to an identified issue relating to neighbouring residential amenity in a city centre environment.
- The proposed development accords with the proper planning and sustainable development of the area.

Proposal

- The proposed development relates to the 89-bedroom Keavan's Port Hotel and Pub/Restaurant on the well-established market street of Camden Street which contains a mix of retail, bar, café, restaurants, small businesses through to with some residential uses at upper floor levels.
- This proposal as a measure would restore an important commercial element to the existing hotel operation.
- The need for intervention to the courtyard space arises from the relationship between it and the residential properties on Camden Street Upper, with the nearest sensitive locations being No.s 6, 7, 8 and 9 Camden Street Upper as well as Grantham Place. These properties are residential in their land use function.
- Permission was originally granted for the use of the courtyard subject to compliance with noise levels. To achieve compliance with the required noise levels measures are required to this space, with the existing ground floor courtyard temporarily ceased trading on the 13th day of April, 2022, until such a time as noise compliance could be demonstrated.
- This proposal seeks to minimise noise disruption to neighbouring properties by both reducing overall noise output and containing it within a defined area within the subject site ensuring that sound is managed more effectively. As such it would result in a quieter more controlled environment for the residential units to the south while still allowing the courtyard to function as an active space for patrons.
- The design is one that it ensures it blends harmoniously with the architectural context of the site which is subject to Protected Structure designations as well as other Protected Structures surrounding it.
- The design seeks to enhance the overall space within the site and to allow the restored facades of the period buildings that have been reinstated and restored as part of the past development on this site to be enjoyed by hotel users.
- It is not credible for the Planning Authority to conclude that a necessary intervention to solve an amenity issue that leaves 80% of the existing area untouched is unacceptable overdevelopment.
- The design is innovative and bespoke to deal with a specific issue for an outdoor space forms part of the permitted development at this site.

- The proposed design was refined on foot of pre-planning consultation. The resulting design is inherently light weight as well as performs its acoustic functions.

Noise

- The Planning Authority's Environmental Health Officer endorsed the proposal.
- This appeal demonstrates that the contended flaws in the acoustic assessments raised by Third Parties are unfounded and that this proposal which is located within a tight urban context appropriately balances the protection of residential, built heritage amenities as well as the commercial viability of permitted use.
- It is unclear why the Planning Authority's Planning Officer referred a modelled scenario from almost 10 years ago.

Occupancy

- The desired occupancy is 135 persons or a lower level if deemed appropriate.

Built Heritage

- This proposal would have minimal impact on the Protected Structures and would be sympathetic to their surroundings.
- The clear glass will not conceal the historic Protected Structures external walls or would it interfere with their maintenance.

Planning History

- Past grants of permission for this development requires noise management to be provided and this proposal is a more appropriate intervention in comparison to that previously proposed under P.A. Ref. No. 3816/23.

Other Matters

- Conservation Assessment dated March 2025 includes the following comments:
 - It is incorrectly noted in the refusal reason that this proposal would effectively 'infill' the remaining courtyard area to the rear of the Protected Structures on site.
 - The pavilion type structure is intended to form part of the rear setting and be open to the elements to the north of the Protected Structures. It would be part of the courtyard and not an extension.

- Affected Protected Structures façades are to their rear surviving elevation and the proposed development relates mainly to their basement level.
- There are far less onerous requirements for Residential Conservation Areas as there are for Protected Structures. Yet this is not reflected in the Conservation Assessment provided by the Planning Authority.
- Up until recently the area subject to this proposal was a tarmacked car park.
- This proposal does not affect the special integrity of the Protected Structures.
- The use is compatible with the Protected Structure.
- The proposal relates to a site-specific design that has been carefully considered in terms of limiting impact to the Protected Structures.
- An Acoustic Response dated the 10th day of March, 2025 includes the following comments:
 - A robust noise impact assessment was conducted which determined that additional mitigation measures would result in minimising noise impact in a manner that accorded with industry best practice standards and ensure that an appropriate balance is reached between the use of the courtyard and properties in its vicinity.
 - There are no clear definitions on how patron noise should be assessed and therefore guidance has been taken from the AAAC Section 2.3 Venue Patron Levels.
 - Regard was had to previous noise surveys.
 - The development is considerably different to the original application granted.
 - Concerns raised in relation to the use of a male vocal spectrum rather than a female vocal spectrum; however, the modelling carried out is based on the worst-case scenario approach. With there being fundamental differences between male and female vocal frequencies and male voices on average ranging from 85 to 180 Hz compared to female voices which generally range from 165 to 255 Hz. From an acoustic perspective lower frequencies present a greater challenge in terms of attenuation, absorption and insulation due to factors ranging from longer wavelengths, difficulties in absorption and sound insulation. As such the male

voice spectrum accounts for the most acoustically demanding scenario in terms of impact on properties in the vicinity of this development.

- Regard was had in the assessment to the worst-case maximum capacity scenario.
- The model used and its findings can be easily replicated.
- The retention of the acoustic absorption located along the courtyard walls will aid in the reduction of reverberant sound pressure levels within the courtyard and thus aid in the reduction 'canyon effect' which has been cited by observers as a concern.
- The findings of the noise impact assessment demonstrate that the proposed mitigation measures were developed to ensure no negative noise impact in line with best practice standards.
- The modelling assumptions, methodologies and mitigation strategies outlined are well founded, with the proposed infrastructure playing a key role in reducing noise levels at sensitive receptors.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority seek that their decision is upheld; however, should permission be granted it requests that a Section 48 and Section 49 Luas Cross City development contribution conditions be imposed.

6.3. Observations

- 6.3.1. Third Party observations were received from:
- Martin & Niamh Bolger.
 - Niamh Moran.
 - Grantham St. Residents Association.
 - Suzie Willoughby.
 - Richard Duggan.
 - West of Camden Residents Association.
 - Naoise M^cNally & Ronan Lyons.

- Peter O'Reilly & Colm Doyle.
- Derek Tynan.

The Third-Party Observations collectively seek that the decision of the Planning Authority is upheld. I have read the content of these submissions, and I consider that they raise several overlapping concerns. For clarity purposes and to avoid repetition I therefore summarised them collectively under the following broad headings below:

Planning Authority

- The Planning Authority's decision is supported; however, concerns are raised that the reasons given are not significantly robust.
- The Planning Authority's Environmental Health Office did not engage with the iAcoustics report submitted by the residents and the overall noise analysis is flawed.
- The Planning Authority's Environmental Health Office would have a limited remit in offering an opinion on the efficacy of noise mitigation in relation to patron noise and they did not carry out any testing of the Wave Dynamics Assessment. They also showed limited understanding of the issues arising to properties in the vicinity when the beer garden was in use.
- The Planning Authority's Planning Officer failed to adequately address the scope of concerns raised by Third Parties to this proposed development.

Procedural

- This proposal does not provide adequate information to justify the provision of a super pub at this location.
- This proposal seeks to increase the capacity of the public house element, with their original Fire Certificate based on 1,351 people.
- Significant time and costs have been incurred by Third Parties in seeking compliance with the appellants planning obligations.
- Reference to a pavilion structure implies the provision of a free-standing structure within a larger space. But the structure proposed is an infill structure in its context.
- Questions are raised in relation to accuracy of the CGI rendering provided.

Compliance with Previous Grants of Permission

- The documentation with this application fails to demonstrate how this proposal would result in compliance with previous grants of permission in particular conditions relating to noise and noise nuisance.
- Planning Authority's Environmental Health Office conditions are outside of its remit to enforce and despite numerous complaints the appellants have operated this establishment in non-compliance with conditions.
- For this location to ever operate without noise disturbance to neighbouring residents there would need to be a stand-alone solution which would require management to control capacity, opening times and crowd behaviour.
- The City Council does not have the resources to provide an on-going management of a licenced premises as part of ensuring effective enforcement.
- There is no detailing of what post completion testing would entail and to what standards. Additionally, there is no assurance that the use would cease if any noise issues arose.
- There is a duty of care to ensure that the previous disturbances arising from the use of the courtyards do not reemerge.

Noise

- It is hard to conceive a worse configuration in terms of noise than the external courtyard at Keavan's Port, with its hard surfaces several floors high on three sides around the lower floor courtyard beside residential property. In this context the courtyard is incompatible with the protection of the nearby residential amenity and is unsuitable for such purposes.
- This courtyard is intended for the entertainment of large alcohol consuming crowds with capacity of 258 people with approximately 100 being seated. The noise impact assessment provided does not reflect the intended nature and quantum of its actual intended use.
- Any proposal to achieve compliance with the conditions attached to the grants of permission relating to development at this site should be passive, self-contained design solutions that do not require active management or intervention.
- A noise level of between 55 to 58dB, LAeq at any hour is unacceptable.

- The acoustic study provided does not stand up to scientific scrutiny.
- It is accepted that acoustic environments are difficult to model; however, the analysis provided lacks explanation.
- It would be expected in such a space that there would be an availability of alcoholic beverages and potential TV sports coverage. Yet the assessment provided fails to take account of this.
- The acoustic report relies heavily on foreign noise standards.
- Concerns are raised that male-only voice spectra are used. In general female voices have a higher pitch which can affect their perceived loudness.
- It is not logical to assume that there would be an equal split between the two courtyards and the idea that each of these spaces could accommodate the same number of people is nonsensical.
- The proposed structures are likely to result in additional noise levels particularly during late-night hours.
- There has been a dismissive approach taken to residential neighbour concerns.
- The iAcoustics report submitted by Third Parties directly challenges the assumptions of the applicant's acoustic consultants noise modelling.
- There is no cumulative examination of different types of noise sources and limited examination of how noise sensitive receptors would be impacted using both courtyards by the hotel.
- The request for a time frame of 5 years to test the solutions sought is unreasonable.
- The noise assessment does not include the second smaller beer garden and noise that emanates from it.
- There is no examination of the impact of wind and rain on the glass wall.
- Based on adverse noise impact the proposed development should be refused.
- The noise assessment is not presented in a manner that it can be replicated or technically reviewed for validation.

- The receiver location of the nearest noise sensitive location is not precisely identified and in an urban context with partial enclosure and intervening screening even small variations in position can significantly affect predicted noise levels.
- There is an absence of *in-situ* testing or physical testing of the noise control infrastructure proposed.
- There is a heavy reliance on post testing monitoring.

Planning History

- The parent grant of permission's noise assessment was based on a capacity of 60 patrons, and the current proposal is designed to hold 225.

Access of Patrons

- Historically the appellant has struggled to manage the entry and exit of its patrons. The provision of a pavilion structure will increase the number of patrons to this establishment throughout the year which will in turn cause additional obstructions and safety hazards to the surrounding public domain.

Built Heritage

- This proposal would adversely impact the character of the Protected Structures.
- Protected Structures in the immediate vicinity include residential use.
- This proposal would give rise to further piecemeal erosion of the Protected Structures at this location.
- The tall glass wall would visually interrupt the seamless run of period buildings and would set an undesirable precedent for other similar developments.
- A proposal that results in residential uses being untenable in an intact terrace which contains Protected Structures and is within an ACA is not compatible with proper planning and sustainable development of the area.
- The pavilion would obscure views towards the stain glass windows in the rear elevation of Protected Structures bounding the courtyard.
- The pavilion structure is not a minor reversible.

Zoning

- This proposal will result in further diminish Camden Street into a strip of drinking emporia inconsistent with its 'Z4' land use zoning and would adversely impact on its public realm.
- This site has a transitional zonal character given its proximity to 'Z2' zoned land.

Setting

- The immediate setting includes a variety of land uses, and this proposal would undermine the potential of Camden Street's buildings to provide and maintain residential living in upper floor levels.
- The acoustic measures provided do not overcome the level of disturbance that arose from the applicant's beer garden up to 2023.
- The applicant has not engaged in any active consultation with neighbours.
- No assessment has been made to understand the disturbance that could be caused to properties in its vicinity, particularly those in residential use.
- There is no assurance provided in terms of how the noise measures proposed in this application would sustainably be maintained into the future.

Public Nuisance

- The increase in patrons to this establishment will exacerbate existing public and anti-social behavioural nuisance issues. This in turn would further degrade the surrounding local environment.
- This proposal is a back door attempt to open a beer garden.

Hotel Use/Public House

- This proposal seeks an intensification of a pub culture in a local village area and poses significant risks to public safety, local amenity, and the preservation of Protected Structures in its vicinity.
- This proposal would give rise to a 'mega pub' effect within a dense and mixed neighbourhood. Such uses are not permitted under the Development Plan.
- The cap of 135 persons proposed is double the previous noise modelling for this hotel development.

- The proposed pavilion should be considered as a Trojan Horse to facilitate the expansion of a modest hotel into a super pub.
- The existing capacity of this public house is currently approximately 1,200 persons.

Residential Amenity

- This proposal would not resolve any noise related concerns arising from use of the outdoor courtyard areas but are likely to result in additional noise nuisance as they would facilitate additional associated hotel outdoor use.
- Valuing beer gardens over residential amenity would give rise to a poor precedent.
- If this development is permitted adjoining properties would not be suitable for qualitative habitable living inside and out.
- This development has to date had a significant adverse impact on the residential amenity of residential property in its vicinity.
- The noise assessment ignores the impact the proposed development would have on residential properties at Upper Camden Street.
- The use of northern courtyard as a beer garden would be further away from residential properties and would result in less potential for adverse impacts.

Impact on Wildlife

- This proposal has failed to have regard to the risks posed by this development to birds and bats by the proposed full-height glass wall enclosing Courtyard 1.
- The site is in a location where there is nearby vegetation yet no impact on birds and bats has been carried out.
- A new screening assessment should have been carried out.

Civil

- The applicant has failed to abide by previous District Court orders.
- The occupants/owner of the adjoining property of No. 7 Camden Street indicate that they had to engage in significant legal action to maintain a level of residential amenity that accords with the protections afforded under Condition No. 6 of the parent grant of permission.

- There are several objectors to the appellants liquor licence at this location.

Other

- Examination of the enforcement history of this site in relation to the use of the outside spaces as a beer garden demonstrate that noise conditions are not enforceable.
- Examples cited in the appeal including Dicey's on Harcourt Street are contended to have faced significant noise complaints from neighbours.
- This proposal relies heavily on the operational management measures.
- There is a creche operating immediately alongside this site.
- This proposed development would also impact adversely on the operation of other businesses in Camden Street.
- It is disingenuous to suggest that this proposed would create employment.
- A report prepared by Third Party Observers includes the following comments:
 - It is contended that the author of this acoustic assessment report conducted testing when the courtyard was in active use.
 - The noise modelling assumes that only 1 in 3 patrons will be speaking at any one time with a raised voice. If this assumption were adjusted to 1 in 2 then it would result in an additional +2dB of noise impact at nearby noise sensitive properties. The 1 in 3 assumption is also lower than previous standards employed by the applicant and which formed the basis of the parent grant of permission which was modelled on 60 patrons with 60 of them speaking simultaneously.
 - If similar methodologies were employed as the AWN noise assessment for this proposal, then the outcome would be non-compliance with grant of permission P.A. Ref. No. 3351/20.
 - There is no explanation as to why female voices have been excluded from the assessment and there is no provision for patrons having consumed alcohol.
 - The split of 75 patrons in the smoking area and the courtyard is optimistic.

- The active noise management measures should not compensate for the insufficiency of the proposed physical measures particularly in the case of the operation of a busy beer garden.
- Given the complexity of the environment long term monitoring should be carried out at the nearest noise sensitive location.

6.4. Further Responses

6.4.1. **Richard Duggan (15.05.2025):** This response sets out support for Peter O'Reilly & Colm Doyle's Third-Party Observation in relation to the proposed development. I have read the content of this submission which I note includes legal documentation including the most recent liquor licence. I consider that this response reiterates the issues set out in their initial submission to the Board and raises no new material planning issues to those already summarised under Section 6.3 of this report above arise.

6.4.2. **First Party Appellant (16.05.2025):** This response reiterates the comments made in their appeal submission which collectively contend that the proposed development accords with the proper planning and sustainable development of the area. Additionally, their response seeks to counter the various concerns raised by the Third Parties in the observations received by the Board. The response can be summarised as follows:

Commercial Viability:

- It is imperative that the use of the courtyard is restored as part of the commercial viability of their operations at the subject site, with this hotel contended to play an important role to the vitality of Camden Street.

Engagement with Neighbours

- It is not accepted that they have not engaged with neighbours in the past and they seek to be a good neighbour as part of their commercial operations of this premises.

Noise

- Their noise consultants refute the claims of iAcoustics assessment which is contended to contain several inconsistencies and inaccuracies.

- The proposed physical infrastructure rather than the management protocols alone forms part of the primary mechanisms for reducing noise levels at sensitive receptors.
- The site is a location which has established high background noise levels, and it is within this context that the appellant seeks to provide appropriate noise attenuation for guests of the hotel and neighbouring properties.
- The use of three noise consultants over past applications forms part of their attempts to seek to effectively address the noise concerns of neighbouring properties.

Overdevelopment and Infill

- The concerns that the proposed development gives rise to overdevelopment and inappropriate infill development are overstated.
- This is not an infill development.
- 80% of the courtyard would remain uncovered under this proposal and the pavilion structure would be minor in this context.

Undesirable Precedent

- No basis to conclude that this proposal would result in an undesirable precedent.

Amenity Impact

- This proposal enhances the overall appearance of the site and appreciation of the Protected Structures rear elevation whilst seeking to protect the amenities of neighbouring properties.

Land Use Zoning

- The site is zoned 'Z4' and not residentially zoned under the Development Plan. The 'Z4' zoning reflects its urban city mixed use context.

Architectural Conservation Area (ACA)/Conservation Area

- The site does not form part of an ACA, and it will not significantly impact on the Red Hatched Conservation Area.

Alternative Proposals

- It is not feasible or practical to remove the sprinkler tanks and relocated the customer courtyard to the northern courtyard.

Other Matters Arising

- Several none planning related matters are raised by Third Party Observers.
- The Board has no role in enforcement matters.
- They have in the past contributed towards the legal costs of Third Parties.
- This response is accompanied by separate comments from their Heritage Consultant and Noise Consultant. The content of which I have read and considered alongside all the other documentations pertaining to this appeal case in my assessment below. In relation to the comments provided by the appellants noise consultant I note that:

- It includes a façade noise assessment of the proposed measures to show and model the noise contour based on their modelling as well as that used by iAcoustics. This includes calibrating for male and female voices that support that the male voice represents the worst case given the distance it can attenuate and the contribution of low frequency.
- It indicates that the modelling in relation to noise sources within the beer garden were randomly orientated to ensure even directivity and distribution across noise sources.
- The worst-case scenario provided by iAcoustics do not reflect a reasonable conditions and undermines the reliability of their conclusions.
- Based on consultation with the architects of this project this courtyard is likely usage is between 60 to 70 patrons due to its layout and constraints. However, a worst-case occupancy scenario was chosen which significantly exceeds this.
- The beer garden will not include any amplified noise.
- There is no accepted framework to reliably incorporate behavioural changes including alcohol consumption.
- The planning process is intended to assess the viability of a development before construction not afterwards.

6.4.3. **Derek Tynan (17.05.2025):** This response supports the comments set out in the submission made by Peter O'Reilly & Colm Doyle to the Board. They indicate that outside of No.s 8 & 9 which have been renovated to include residential over

commercial premises that there are circa 63 properties with residential uses at upper floor levels along Camden Street. I consider that no new material planning to those already summarised under Section 6.3 of this report above are raised and it is requested that the Board refuse permission for the development sought under this application.

- 6.4.4. **Suzie Willoughby (18.05.2025):** This response indicates that as her property is No. 16 Grantham Place that the Peter O'Reilly & Colm Doyle's Third-Party Observation in relation to the proposed development is pertinent to her property and the impact of the proposed development. Support is also indicated for the findings of the said Third Parties noise impact assessment and it is indicated that between August 2021 to April 2022 that the noise emanating from the use of the courtyard was unbearable. I have read the content of this submission which I note includes legal documentation including the most recent liquor licence. If permission is granted concern is raised that this would give rise to additional legal costs to be burdened by her and other properties impacted using the courtyard as the previously permitted conditions seeking to control noise from being a nuisance has not been successful or enforceable. No other new material planning issues to those already summarised under Section 6.3 of this report above are raised.
- 6.4.5. **Niamh Moran (19.05.2025):** This response reiterates concerns over the veracity of the appellants noise impact assessment and again requests that the Board refuse permission for the proposed development sought under this application. I consider that no new material planning to those already summarised under Section 6.3 of this report above are raised.
- 6.4.6. **Niamh Moran (19.05.2025):** This response reiterates concerns over the veracity of the appellants noise impact assessment and refers the Board to have regard to their original submission made in relation to the proposed development. This I note I have summarised collectively with other Third-Party Observations under Section 6.3 of this report above based on the overlapping key issues they raise in order to avoid repetition and for clarity purposes. It is again requested that the overlapping concerns arising from noise, increased foot traffic & obstruction of narrow footpaths in the vicinity of this premises, public nuisance, anti-social behaviour, and impact on Protected Structures that the Board should refuse permission for the proposed development sought under this application.

6.4.7. **Martin Basquel & Niamh Bolger (19.05.2025):** This response supports the comments set out in the submission made by Peter O'Reilly & Colm Doyle to the Board and seek that the Board refuse permission on this basis. They indicate their property of No. 7 Camden Street Upper relative to the courtyard is such that it experiences more concentrated exposure to the beer garden noise than Peter O'Reilly & Colm Doyle property at No.s 8 & 9 Camden Street Upper. It is fundamental that the requirements under Condition No. 6(a) of the grant of permission P.A. Ref. No. 3351/20 so that their residential amenity is protected. The findings of the appellants noise impact assessment are not agreed with.

7.0 **Assessment**

7.1. **Preliminary Comment**

7.1.1. Having inspected the site, had regard to the planning history of the site and its setting alongside having regard to relevant local through to national planning provisions including guidance pertaining to the subject site and the subject development sought under this application, alongside having regard to the nature and extent of the proposed development together with the prevailing pattern of development, I consider that the main issues pertaining to this appeal case can be considered under the following broad headings:

- Procedural Matters
- Planning History & the Principle of the Proposed Development
- Occupancy – Intensification of Use
- Compliance with Planning Provisions
- Residential Amenity Impacts - Other
- Built Heritage
- Visual Amenity Impact
- Other Matters Arising

7.1.2. The matter of 'Appropriate Assessment' also requires examination and I note that the subject of this planning application is not of a class of development to which EIA applies. This I note is an issue that is raised as a concern by Third Parties; notwithstanding as set out under Section 5.5 of this report I am satisfied that this is not

an issue in this case. To this I note that the Planning Authority also did not consider this to be an issue in relation to this planning application which is now before the Board on appeal.

- 7.1.3. Additionally, the proposed development as set out in the public notices relate to the construction of a partially enclosed pavilion area for patrons of Keavan's Port Hotel, additionally the acoustic glass screen over this structure, the construction of an acoustic glazed low level structural wall and frame, the construction of two external canopies with an uncovered patron area with the design and layout including the restriction of use by patrons of the subject hotel to the area to the south of the enclosed pavilion structure and to the north of the boundary with No. 6 Camden Street Upper. The Board should confine its determination to this, and the associated operational measures proposed to deal with the prevention as well as abatement of noise from the southern courtyard to which this application specifically. Against this context as discussed in the assessment below the proposed development does not include any increased functional usage of the southern courtyard.

7.2. Procedural Matters

- 7.2.1. The Appellant and Third Parties raise several procedural matters in relation to the Planning Authority's handling of this planning application. With for example the Appellant considering that the Planning Authority has failed to properly understand the nature of the measures proposed for the courtyard so that it can operate as part of the hotel in a manner that they consider ensures that this is balanced with safeguarding and protecting the residential amenity as well as amenity of other types of functional use properties in its vicinity. Through to the Third Parties also raise concerns in relation to the adequacy of the documentation provided with this application, particularly in demonstrating that the measures proposed would achieve compliance with the grants of permission for this development relating to noise and associated nuisances.
- 7.2.2. I also note that the Third Parties raise further concerns that the Planning Authority have demonstrated by their past actions that they are not able to enforce conditions with noise requirements relating to this hotel development, with civil actions taken in order to seek compliance with these giving rise to the cessation of use of the southern courtyard by its patrons.

- 7.2.3. In terms of the scope of the procedural concerns raised by Parties in this appeal case I consider firstly that the Board does not have an ombudsman role on such matters. I also consider that it is the Planning Authority's remit to both validate this planning application which is now before it by way of a First Party Appeal as well as to enforce compliance with conditions attached to grants of permission, including compliance with noise related requirements set out as part of the grants of permission ABP PL29S.247635 (P.A. Ref. No. 2045/16) and P.A. Ref. No. 3351/20 (Note: Section 4 of the report above).
- 7.2.4. Also, on the matter of validation as said this is generally the responsibility of the Planning Authority as provided for under planning legislation which in this instance took the view that the application documentation as lodged satisfied the minimum statutory requirements for the making of this planning application. In relation to this matter of concern for clarity purposed I note that I have considered all the information available on file and I am generally satisfied that together with my site inspection of the site as well as its setting together with an examination of the planning history pertaining to the site as well as its setting I am satisfied that there is adequate information available and for the Board to decide on the merits of the proposed development. I am also cognisant that the physical and operational noise measures put forward under this application are such that there is a need for their veracity to be tested if permission is granted as their ability to achieve their intended purposes is highly dependent on the quality of the materials as well as construction of the physical acoustic measures and also the robustness of the hotel operators in complying with the operational measures that are in tandem proposed under this application.
- 7.2.5. Furthermore, the subject application which is now before the Board by way of this First Party appeal is assessed on an entirely *de novo* basis. That is to say that the Board considers the proposal having regard to the same planning matters to which a planning authority is required to have regard when making a decision on a planning application in the first instance and this includes consideration of all submissions and inter departmental reports on file together with the all relevant planning provisions/guidelines, any revised details accompanying appeal submissions and any relevant planning history relating to the application. The key matters raised in this appeal case I have dealt with under separate broad headings in my assessment

below, are considered *de novo* and from which I have based my recommendation to the Board.

- 7.2.6. In terms of the scope of the proposed development sought under this application I am also of the opinion that the public notices for this subject application now before the Board on appeal does not indicate that it includes any intensification of use of the hotel as permitted under its parent grant of permission ABP Ref. No. PL29S.247635 and as modified under the grant of retention permission P.A. Ref. No. 3351/20. This consideration is set out in more detail in my assessment below. However, I consider it is important to note given that the Development Plan clearly discourages 'super pubs' and where there are extensions sought to existing licenced premises there is an additional onus 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 (Note: Section 15.14.12).
- 7.2.7. The compliance with the proposed development in relation to relevant development management standards are discussed in more detail in the assessment below but I note that this proposal seeks the reduction in area of c99m² of outdoor space available in the subject southern courtyard to patrons of the subject hotel. Having regard to this factor and the more detailed consideration of this matter in the assessment below I am satisfied that this proposal does not include or seek permission for an increase in area or function of the already permitted floor area for public house related purposes. I therefore consider that the proposed development sought under this application is not one that outside of seeking that the southern courtyard to continue to be used for patrons of the hotel as permitted under previous grants of permission, in particular its design, layout and format as permitted under P.A. Ref. No. 3351/20.
- 7.2.8. Conclusion: I am satisfied that the procedural, validity, and adequacy of information in relation to this appeal case are not substantive issues for the Board in their determination of this appeal case. I therefore propose not to comment on these concerns any further in this assessment.

7.3. Planning History and Principle of the Proposed Development

- 7.3.1. Permission is sought for the construction of a partially enclosed pavilion area with an acoustic glass screen; the construction of an acoustic glazed low-level structural wall and frame; the construction of two external canopies with an uncovered patron

smoking area together with a green roof system above the pavilion which are indicated to include acoustic glass skylights and all associated works. These works relate to a restricted site area of the southern courtyard at Keavan's Port Hotel with it being bound on its eastern side by the rear elevation of No.s 1 to 5 Camden Street Upper, which are designated Protected Structures and situated to the south of a contemporary glazed atrium link that provides connection at No. 49 Camden Street Upper to a modern addition that also extends alongside the western boundary of the subject courtyard to where it meets the southern boundary of the site which between this modern extension and the southernmost point of period Georgian terrace building is demarcated by a tall part retaining wall that includes but is not limited to a section of period stone wall.

- 7.3.2. Keavan's Port Hotel has frontage onto the western side of Camden Street, with this frontage being informed by the period character of its highly intact period Georgian properties of No.s 1 to 5 Camden Street Upper and No.s 50 to 51 Camden Street Lower, with No. 49 Camden Street Lower, consisting of a respectful and harmonising entrance to this hotel that also to the west of this collection of buildings has frontage onto the restricted in width Grantham Place. The Camden Street frontage is situated circa 55m to the north of its junction with the R114 and Harrington Street to the south of Dublin's city historic core in Dublin 2, with Camden Street being a bustling mixed use radial route that provides connection to the Dublin's city centre. Whereas Grantham Place is a historic mews/service lane that is mainly characterised by residential land uses; however, I note that there is an auto electric business located immediately to the south of the modern hotel extension that addresses Grantham Place and as such this lies to the immediate south west of the subject courtyard.
- 7.3.3. Additionally, the site is bound on its southern side by a Montessori childcare facility located at No. 6 Camden Street Upper, with the nearest residential properties in the vicinity of the site being No.s 7 to 9 Camden Street Upper located to the south of the site area and No. 14 Grantham Place located to the south west of the site.
- 7.3.4. At the time of inspection, the subject site of No.s 1 to 5 Camden Street Upper and No.s 49 to 51 Camden Street Lower was in use as hotel with ancillary public house/restaurant use, with its principal façade addressing the western side of Camden Street to the north of its junction with the R114. This land use extended westwards

over these historic plots to where it meets Grantham Place which at this point is addressed by the modern hotel extension building.

- 7.3.5. The planning history of the site is set out in Section 4 of this report above. I note that of relevance to this appeal case is that permission was granted on appeal to the Board under ABP PL29S.247635 for a significantly reduced in hotel bedroom number, i.e. 98 bedrooms with ancillary public house and restaurant with the design including two external landscaped basement level courtyard spaces. To this I note that the design for the proposed hotel included 896m² of its total gross floor area (Note: c.6,164m²) as ancillary public bar and restaurant.
- 7.3.6. In relation to the courtyard spaces as permitted these were located on either side of a proposed glazed atrium link which was positioned to the rear of No. 49 Camden Street Lower and with the southern courtyard, which is the subject location of the proposed development, located to the south of this link and to the immediate rear of the period facades of No.s 1 to 5 Camden Street Upper and to the east of the modern hotel building. The southern courtyard also extended to where it meets the boundary of No.6 Camden Street Lower. This space included a mixture of landscaping features and a spaciouly arranged provision of seating and tables for use by patrons of the hotel with the design including the southernmost boundary wall being a feature with sections of its historic stone wall restored and repaired. I note that the spacious arrangement of seating catered for 46 persons and included 18 tables with 5 of the four person tables located underneath a proposed metal and glass awning/canopy attached to the eastern elevation of the modern hotel extension. A similar design approach was had for the northern courtyard which is not subject of the development sought under this application with this containing seating and tables for 24 persons.
- 7.3.7. The noise assessment provided for this application is based on the layout as described. This assessment included a baseline study of the ambient noise levels of the site context and examined the potential impact of the proposed use of both courtyards based on the indicated design as revised by way of the applicant's further information with the nearest noise sensitive receptor being indicated as No. 14 Grantham Place. The noise generator types examined included use of the courtyard as proposed under the planning application through to had regard to noise from waste management, building services through to deliveries alongside compliance with relevant standards in place at the time.

- 7.3.8. It also examined operational noise management including the proposed noise management policy of the applicant to be implemented in full during the operational phase.
- 7.3.9. Importantly under Section 5.2 of the assessment indicated that whilst it found that noise from patrons occupying the external courtyard to be within acceptable levels off site from both courtyards, notwithstanding this it recommended that to prevent the canyon effect, that the courtyards internal walls be fitted with sound absorptive panels and cladding to reduce reverberant noise build up. It indicated that measures would be beneficial in terms of reducing noise transfer also internally within this hotel development. With these measures through to implementation of the applicant's noise management policy ensuring that the noise levels are well controlled as well as forming part of the on-going noise management of the premises when implemented.
- 7.3.10. To this the accompanying planning statements provided with this application indicate that the public areas within the hotel were to be largely dedicated to seating areas for customers who would be primarily availing of the established food offering and beverages served at the hotel which is the primary land use sought.
- 7.3.11. Additionally, the documentation provided with this application indicated that the proposed hotel would not provide late-night opening hours nor would it be a late-night destination to protect residential amenity in the locality as well as to protect guest amenity within the hotel itself.
- 7.3.12. Moreover, it indicated that the location of the proposed public bar and restaurant area have been sited away from the residential environment of Grantham Place with the hotel's ancillary uses focusing on the service of food with a complimentary drinks service and with no amplified music within the premises public floor spaces. Also, in relation to the lower ground external areas which it referred to as 'beer garden areas' it indicates that these would be used by customers as smoking areas with the two areas having a combined area of circa 370m².
- 7.3.13. I note to the Board that the Inspector in appeal case ABP PL29S.247635 considered this proposed development represented a significant intensification of ancillary public house and restaurant facilities in comparison to the previously granted hotel development (Note: ABP PL29S.243008 – See Section 4 of the report above). This outcome the Inspector considered would conflict with the 'Z4' land use zoning of the

site and its setting as well as would be contrary to safeguarding sensitive to change properties in the vicinity of the site. Despite these concerns permission was granted subject to a number of safeguards. The safeguards I consider are of relevance to the proposed development now sought under this subject application include the bespoke requirements of Condition No. 12. This condition under its sub-conditions (a) to (g) control and management of noise including in the interest of residential amenity.

- 7.3.14. Since ABP PL29S.247635 was granted retention permission was sought and granted for modifications to it under P.A. Ref. No. 3351/20. This development provided a further reduction in the number of hotel bedrooms permitted under ABP PL29S.247635 from 98 to 89 in total. It also included the removal of the canopy roof within the southern courtyard through to ancillary landscaping and other associated works.
- 7.3.15. In relation to the southern courtyard area is shown in the submitted documentation for P.A. Ref. No. 3351/20 that the level of seating and tables significantly increased from the parent permission which had a maximum occupancy of 60 persons. The documentation for this planning application also shows the level of landscaping within the southern and northern courtyards significantly reduced from that permitted. Additionally, the southern courtyard space is also subdivided into a few separately delineated seating/table areas. This includes physical separation boundaries being designed to also function as seating/dining provisions for patrons through to include some soft landscaping. Yet the public notices for this planning application in terms of the description given of the nature, extent and scope of development sought makes no reference to it including any intensification of use of its outdoor spaces despite showing this to be the case. Of further concern, the documentation with this application does not include any robust examination of the potential that this change would have on its setting, including in terms of impact on residential amenities in its setting.
- 7.3.16. This I acknowledge is in a context where the Planning Authority, as the enforcement authority, appears to have been engaged in enforcement in relation to the proposed development as implemented and operating. In particular in terms of compliance with the noise requirements set out under Condition No. 12 of the grant of permission ABP PL29S.247635.

- 7.3.17. To this I also note to the Board that the submitted Fire Safety Advice within the suite of documentation for P.A. Ref. No. 3351/20 indicates a worst-case scenario for the operations of the modified public areas on the lower ground floor level arising under this application is based on total of number of occupants in the relevant pub area increasing from 633 to 763 under this proposal. Of concern in my view is that this figure does not appear to include the occupancy arising from the normal and/or worst-case scenario of the two modified courtyards both accessible from the revised and enlarged public house floor area that is essentially sought under this application.
- 7.3.18. However, I am cognisant that the Planning Authority did not raise these matters as concerns in their determination of P.A. Ref. No. 3351/20 which they concluded upon with a notification to grant permission subject to conditions. I note that of relevance to this application now before the Board on appeal is Condition No. 2 which requires compliance with ABP PL29S.247635, with the given reason for this *'to provide for an acceptable standard of development'*. Of further relevance, in my view, it also included compliance with the requirements of the Council Environmental Health Section under Condition No. 6. This condition mainly dealt with noise, noise management and controlling noise arising from the modified development in a context of ensuring protection for the established amenity of property in its vicinity. I consider that the requirements of this condition in part overlap with Condition No. 12 of the parent grant of permission and are more stringent in their scope. I note that the given reason for this condition also relates to protecting residential amenity.
- 7.3.19. To this I also note to the Board that more recently under P.A. Ref. No. 3816/23 planning permission was refused for a development consisting of the construction of an acoustic barrier (c.13.2m in height and c.8.1m in width) with rock panel wood panelling rainscreen finish immediately adjoining the existing south courtyard boundary wall between the rear of No. 5 Camden Street Upper and the modern hotel building. The documentation with this planning application indicates that the purpose of this development was providing noise mitigation within the southern courtyard as part of safeguarding the amenities of properties in its vicinity.
- 7.3.20. I note that permission was refused by the Planning Authority for this development on the basis that it would seriously injure the architectural character, setting, special interest and amenity of Protected structures No.s 1 to 5 Camden Street Upper within the subject site, and also that of the adjoining No. 6 Camden Street Upper, which I

note adjoins the southern boundary of the subject courtyard. It was also considered by the Planning Authority that the proposed development would be in its context an unwelcome precedent and an unsympathetic intervention. Additionally, the Planning Authority considered that the proposed development would contravene Policies BHA2 and BHA9 of the Current Dublin City Council Development Plan, 2022-2028, it would also seriously injure the amenities and depreciate the value of property in the vicinity in a manner that would be contrary to the proper planning and sustainable development of the area. An appeal was lodged in relation to the Planning Authority's decision; however, it was subsequently withdrawn prior to any determination was made.

- 7.3.21. This current proposal is indicated as being a more robust and stringent suite of physical and operational management measures than that sought and refused under P.A. Ref. No. 3816/23.
- 7.3.22. One of the key components of the proposed development is the construction of a partially enclosed on three sides (Note: East, West and South) and mainly constructed with acoustic glazing in a metal support framing enclosure which would be positioned between No. 3 Upper Camden Street (a Protected Structure) and the more recent modern extension to the west of it. This structure would be positioned just over 11m from the southern boundary of the site which adjoins No. 6 Camden Street and would be circa just over 17m from the nearest residential property located to the south of it, i.e. No. 7 Camden Street Upper and No. 14 Grantham Place.
- 7.3.23. The area in between this enclosure and the southernmost boundary of the subject courtyard is referred to as an 'Ornament Garden' with this space mainly consisting of raised planters and being accessible at two points from the basement level of the modern hotel extension located on its western side. This 'Ornament Garden' which is also one of the key features of this proposal now before the Board would not be accessible to patrons of the subject commercial establishment at this site but would be accessible to staff and for its maintenance.
- 7.3.24. In relation to the enclosure structure, it is of note that its roof structure over includes 48m² of green planting species for suitable to such planting conditions and contains three skylights which would provide daylight penetration into its interior spaces. These skylights are not indicated as being openable. This built structure is referred to as

'Courtyard 1 – Proposed Customer Pavilion' with its overall area indicated as 52m² of the existing southern courtyard area and would be positioned 18.7m from the southern boundary which adjoins No. 6 Camden Street. It is indicated to have a maximum height of circa 4m as well as is on average circa 8.2m to 8.5m wide, variable width of c6m and with its acoustic glazing having a given depth of 52.5mm.

- 7.3.25. This glazing would be fixed to the pavilion and wall at an angle with an acoustic quilt (Note: depth of 100mm) installed underneath its steel beam frame roof. To this an acoustic glazed wall and frame of 3.58m in height and 8.5m wide is proposed with this facing the southern side boundary of the courtyard to prevent patron access to the southern end of the external courtyard and two acoustically glazed external canopies would extend northwards from the pavilion with the area between them and the southern side of glazed atrium link consisting of an uncovered patron smoking area.
- 7.3.26. The documentation indicates that the uncovered area of the courtyard would account for 105m² area of the revised southern courtyard. It also indicates that the finished floor level (Note: +12.3) of the courtyard in the location of the pavilion structure with its proposed roof structure over having a finished floor level of circa +16.27m. As such the courtyard is indicated to occupy a sunken basement level relative to the rear elevation of adjoining Protected Structures of No.s 1 to 5 Camden Street Upper from which they are legible as being four storey in their main built form.
- 7.3.27. The Appellant in their appeal submission indicates that the physical insertions proposed alongside the accompanying operational management plan for the revised southern courtyard together with no music or other forms of amplified noise being provided within this space or interior spaces adjoining it would achieve compliance with the noise condition requirements placed upon the proposed development as permitted in the grants of permission I have referred to above. Thus, allowing for this courtyard to form part of the commercial floor space associated with their hotel and ancillary public as well as restaurant uses permitted at this location. Though this is contested by Third Parties in this appeal case for reasons that are dealt with more specifically in my assessment below, having regards to the above considerations it is important in my view to consider the principle of the proposed development has arisen out of a site and setting specific need that balances ensuring an appropriate environment is maintained for properties within its vicinity, particular those in residential use, in a manner that is consistent with the development permitted under

ABP PL29S.247635 and P.A. Ref. No. 3351/20 and critically this development as carried out is in compliant with the requirements of these grants of permission.

7.3.28. Against this planning context I consider that the general principle of the use of the courtyard as part of the quantum and nature of development permitted on this site has been established under ABP Ref. No. PL29S.247635 and P.A. Ref. No. 3351/20, with this as said being subject to safeguards including of relevance to this now sought development under this subject application the requirements relating to noise.

7.3.29. To this I note that the guiding principles set out for 'Z4' zoned land includes seeking to achieve a diversity of uses as part of maintaining vitality throughout the day and evening. To this I note also that the proposal to restore use to the subject courtyard would be an outcome that would not be inconsistent with Section 7.5.7 of the Development Plan. This Section of the Development Plan recognises the positive contribution of pubs and restaurant uses to the economy and vitality of the city as well as the local economy. I also note that these land uses together with hotel are listed as permissible on 'Z4' zoned land subject to safeguards.

7.3.30. As such I consider that the general principle of the proposed development is not just one that aligns with the planning history of this site but also is subject to safeguards consistent with Development Plan Policies CCUV35 and CCUV36 of the Development Plan which is promotes evening and night time economy. This however is subject to Section 15.14.1.1 and Section 15.14.12 of the Development Plan that I propose to examine in more detail in the assessment below. However, I note that these sections of the Development Plan require such land uses to strike an appropriate balance between their economic benefits and the protection of the amenities of residents from such uses. As such the principle of the proposed development despite the southern courtyard having under the grants of permission relating to this site having been permitted as an outdoor space for use by patrons of this subject commercial establishment this is subject to demonstrating protection of amenities of residential properties from this use in a manner consistent with the safeguards set out under ABP. PL29S.247635 and P.A. Ref. No. 3351/20.

7.3.31. Furthermore, the site overlaps with a Red Hatched Conservation Area where it is backland to a terrace of Georgian terraces whose original function was residential. This conservation area extends to the east and west of Camden Street with the pattern

of development including many surviving period buildings that have been subject to various changes from alterations, additions through to material changes of use in comparison to their original designed functional use.

- 7.3.32. Within the 'Z4' and Red Hatched Conservation Area I am satisfied that the nature, extent and scope of the proposed development sought under this application having regard to the planning history of the site and the fact that no material change in intensity of use is sought in relation to the subject courtyard area that it would not give rise to additional proliferation of evening and late night land uses within this stretch of Camden Street and within its setting. This I note is a concern raised in terms of Third Party in terms of the principle of such a development which in they contend such an outcome would be contrary to the provisions of the Development Plan.
- 7.3.33. Further, I am satisfied that the general principle of the proposed development is acceptable having regard to the 'Z4' land use setting of the site as well as its context with hotel, public house through to restaurant related uses being deemed permissible subject to safeguards. The courtyard as part of this hotel with ancillary public house and restaurant uses is consistent with the land use objective for 'Z4' zoned lands. This seeks *'to provide for and improve mixed-services facilities'* and their function in serving *"the needs of the surrounding catchment providing a range of retail, commercial, cultural, social and community functions that are easily accessible by foot, bicycle or public transport; in line with the concept of the 15-minute city"* (Note: Section 14.7.4 of the Development Plan).
- 7.3.34. Additionally, this section of the Development Plan indicates that these 'Key Urban Villages' and 'Urban Villages' land use zoning locations form the top tier of centre outside the city centre, with its guiding principles including the creation of a vibrant retail and commercial core with animated streetscapes. Within which a diversity of uses is promoted to maintain vitality throughout the day and evening as well as a built environment that ensures the creation of high-quality, mixed-use urban districts with distinctive spatial identity and coherent urban structure.
- 7.3.35. Moreover, the Development Plan subject to safeguards supports the economy and vitality of the city through evening as well as night time land uses but also seeks to protect its built heritage assets, with this and the potential amenity impact of the

proposed development requiring more detailed consideration which is provided in the assessment below.

7.3.36. Additionally, the wider site context includes on the western side of Grantham Place which is zoned 'Sustainable Residential Neighbourhoods – Z1'. The Development Plan provides in transitional zonal area that it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones. As discussed above the purpose of the proposed development is to provide physical measures and operational measures to the subject southern courtyard which aims to ensure that when it is in use by patrons of the hotel that such use does not result in any unreasonable diminishment of the residential amenity of properties within its setting. Including the western side of Grantham Place whose land use zoning reflects its primary residential functional use.

7.3.37. To the above considerations I also note for clarity that there are no concurrent planning applications relating to the site and its context that warrant consideration as part of deciding on the principle of the proposed development at this site and in this setting.

7.3.38. Conclusion: On the basis of the above considerations, I am satisfied that this development accords with the established planning history of the site and is a type of development that is consistent with the nature of development deemed to be permissible, on 'Z4' zoned land, subject to safeguards, with particular focus on the merits of the proposed development in terms of built heritage, residential amenity through to development management standards requiring detailed examination.

7.4. Occupancy – Intensification of Use

7.4.1. Third Parties in this appeal case raise significant concerns in relation to the intensification of the permitted hotel and its ancillary public house as well as restaurant use if the proposed development is permitted. This concern is however not accepted by the First Party Appellant who seek in their appeal submission that the maximum capacity sought for the subject courtyard is 135 patrons through the courtyard design measures are indicated as being designed for worst case patron occupancy as a precaution. They also indicate that they are willing to accept a lower patron occupancy to the 135 patrons' maximum capacity indicated under this application should the Board determine that to be appropriate.

- 7.4.2. I note that the proposed design and layout of this scheme, if permitted, would effectively result in terms of the southern courtyard which has a given total area of 256m² would have a reduced area of c156m² being available for patrons of the hotel, its public house and restaurant facilities, with this area as proposed also effectively reduced by the provision of additional features within it. Particularly soft landscaped planters.
- 7.4.3. On this point and as previously discussed above an 'Ornament Garden' is proposed. This space predominated by landscaping features would have an area of c99m² and would be a space that would not under the nature of the design and the layout proposed be a space that would be accessible to patrons of the hotel if the proposed development were to be permitted.
- 7.4.4. Within the reduced area of the southern courtyard available to patrons of the hotel 105m² is indicated in the submitted plans relates to a space labelled as 'Courtyard 1 – North Side Existing Customer Garden' and 52m² space labelled as 'Courtyard 1 – Proposed Customer Pavilion'. I note that the space labelled Courtyard 1 – North Side Existing Customer Garden is shown to contain c47 seats and c14 tables, with part of this space where it immediately adjoins the space labelled Courtyard 1 – Proposed Customer Pavilion as being in part covered by glazing that extends northwards from this structure. In terms of the internal layout of the 52m² enclosed customer pavilion it is suggested in the submitted documentation that its internal layout would overlap with that of P.A. Ref. No. 3351/20. Having regard to the layout plans for the corresponding area of the enclosed pavilion there appears to be an indicated combined seating capacity of c70 to 75 persons. I therefore raise it as a concern that there is an inherent conflict between the design and layout of the southern courtyard as permitted under P.A. Ref. No. 3351/20 and the documentation provided with this application as well as a level of inconsistency between the actual maximum occupancy of the combined spaces as revised for patrons given that these spaces are designed and laid out to contain mainly tables, seating and soft landscaped planters.
- 7.4.5. On this point for example not only does the First Party Appellant seek a maximum capacity of 135 patrons using the revised space at any one time but also at various points of the accompanying documentation it is indicated that a higher maximum capacity based on a split of 75 in the enclosed customer pavilion courtyard and the courtyard space to the immediate north of it. This would not only give rise to higher

occupancy figure of 150, but also in terms of the seating and table arrangement for the area in which the enclosed customer pavilion courtyard would be provided this would not reflect its permitted layout under P.A. Ref. No. 3351/20. It is also a concern that such higher occupancy figures are proposed against a context where this courtyard appears to have evolved from accommodating a maximum of 60 patrons to the more significant number of seats indicated for it under P.A. Ref No. 3351/20 to this application where there would be a reduction of its overall space available to patrons by 99m².

- 7.4.6. To this I note that the Fire Safety Certificate for P.A. Ref. No. 3351/20 related to a maximum occupancy of 244 persons; however, I consider that Fire Safety like Building Regulations are governed by separate codes that are outside of the remit of the Board and such figures do not correlate with the design, layout and patron capacity of the southern courtyard space as provided for planning purposes.
- 7.4.7. Moreover, I consider that the nature, extent and scope of this development does not include a material change in usage of the southern courtyard, when the proposed layout and design of this space, particularly in terms of the customer pavilion is indicated to correspond with that provided under P.A. Ref. No. 3351/20 and the space labelled Courtyard 1 – North Side Existing Customer Garden is not inconsistent with that permitted under this said granted planning application.
- 7.4.8. Conclusion: On the basis of the above should the Board be minded to grant permission I recommend that the interior arrangement of the proposed customer pavilion structure shall be consistent with its arrangement as a space to that permitted under P.A. Ref. No. 3351/20 and that the area to the immediate north of this be as indicated in Drawing No. PL-112. This can be dealt with by way of an appropriately worded condition and would be in the interests of clarity as well as the proper planning and sustainable development of the area. Any material deviation in terms of seating, tables and so forth that would result in an increased capacity beyond the combined capacity of c70 patrons as appears to be permitted under P.A. Ref. No. P.A. Ref. No. 3351/20 when regard is had to the omission of the space associated with the Ornament Garden should in my view be subject to separate grant of permission as this increased occupancy would require its merits against relevant planning considerations ranging from its potential impact on the amenities of its setting, its ability to generate additional

traffic, compliance with the development management standards set out in Chapter 15 of the Development Plan relevant to such commercial land uses and so forth.

7.5. Compliance with Planning Provisions

- 7.5.1. I propose to examine the proposed development against compliance with a number of pertinent planning provisions that in my considered opinion are of relevance to the nature, scale and extent of the proposed development sought under this application.

7.4.1.1 Commercial Development: This proposed development relates to a permitted development whose predominant land use is as a hotel with ancillary publicly accessible restaurant and public house areas. Within its collection of spaces it includes two outdoor courtyard spaces that as permitted allowed a level of accessibility and use by patrons of the hotel as well as provided a level of green features within what are now the largely built over plots of No.s 1 to 5 Camden Street Upper and No.s 49 to 51 Camden Street Lower to which this application relates.

Section 15.14 of the Development Plan sets out the development management provisions for commercial developments. It includes hotels, which is the primary land use permitted at the site of No.s 1 to 5 Camden Street Upper and No.s 49 to 51 Camden Street Lower which backs onto Grantham Place on its westernmost side. This proposal does not seek any expansion to the hotel floor space but rather relates to one of its permitted outdoor courtyards which formed part of this hotels permitted public floor space for patrons which included its publicly accessible public house and restaurant space.

As this space is a permitted space that forms part of a hotel development there is no necessity in my view for this proposed development to be accompanied by a report indicating all existing and proposed hotel and aparthotel developments within a 1km catchment as well as providing a justification that the development will not undermine the principles of achieving a balanced pattern of development in the area, and thereby demonstrating that the proposed development is fully compliant with Policy CEE28 and in Section 15.14.1.1 and 15.14.1.2 of the Development Plan. On this point I also refer the Board to the considerations set out in the previous section of this assessment on the matter of whether this proposed development relates to a material intensification of use of the permitted hotel space by virtue of the changes sought to

its southern courtyard under this current application which is now before the Board on appeal.

To this I also note that Section 15.14.1.1 of the Development Plan in relation to Hotel Development encourages the provision of publicly accessible facilities including restaurant and bar uses.

However, I am cognisant that the proposed customer pavilion sought under this application, if permitted, would enhance the usability of the subject courtyard use by patrons during more inclement weather conditions than would an uncovered space. Notwithstanding this consideration, I note that this southerly in aspect highly contained by built structures on three sides courtyard is situated within a tight grain urban context where it is generally accepted that such spaces have their own urban microclimate as well as their urbanscape around them.

That is to say their localised climatic conditions differ from nearby rural areas with factors contributing to a warmer ambient climate. This includes the heat retention arising from its built structures with in the case of this site the arrangement of buildings being such that they provide a level of obstruction for prevailing westerly winds.

Moreover, it is common for outdoor spaces to have extended use throughout the day into the evening by other sundry infrastructure that provide heat through to shelter largely with these often being in the form of non-permanent moveable structures. Such non-permanent infrastructure are common features of outdoor commercial spaces like this and in this case where there is a high level of security arising from this space being not accessible directly from the public domain.

As such it is often the case that open spaces within an urban context like this use is not confined to the more pleasant summer and late spring through to early autumn months. Particularly since the Smoking Ban and the Covid epidemic the latent commercial potential of outdoor spaces has been untapped by many business including hotels, pubs, and restaurants.

I also note that it is common practice for the Board and Local Authorities for this type of development to place restrictions on the outdoor commercial activities associated with hotels, public houses, restaurants, takeaways, and the like. With the grants of permission relevant to the current commercial operations of this hotel and its associated land uses as said including requirements to comply with noise conditions

which have been imposed to ensure a reasonable balance is achieved between it and the sensitive to change residential properties in its vicinity.

To this I note that similarly Section 15.14.7.2 of the Development Plan on the matter of restaurant uses indicates that in relation to restaurant related uses regard will be had to the effects of effect of noise, general disturbance, hours of operation and fumes on the amenities of nearby residents. Through to their hours of operation and their contribution to the vitality and viability of the area. Additionally, Section 15.14.7.4 of the Development Plan indicates that noise should form part of any planning applications as well as measures to deal with odours and the like. However, I note that the southern courtyard does include a banquet shed which is located within the courtyard to the north of proposed customer pavilion there appears to be no food preparation or other similar activities within the revised southern courtyard submitted with this hotel.

Moreover, the documentation appears to indicate that its use would be as a beer garden as opposed to as an overspill dining space for the restaurant use permitted on this subject site. As such the proposed development is one that is not one that would give rise to any additional restaurant related nuisances over that already considered under the parent permission and the grant of permission P.A. Ref. No. 3351/20, subject to safeguards seeking compliance with their conditions.

In addition, it is of note that the use of the southern courtyard would appear from the information provided with this application be more directly related to the permitted public house floor space with this as said permitted with a larger floor area under P.A. Ref. No. 3351/20 in comparison to the permitted restaurant use.

I therefore consider that Section 15.14.12 of the Development Plan which deals with licenced premises is of relevance. It indicates that: *"in recognition of the importance of Dublin as a thriving and multi-dimensional capital city, there is a need to facilitate the concept of the 24-hour city, particularly in the city centre and other key urban villages"*, which I note is the case with this site due to it and its setting forming part of land zoned 'Z4'. Importantly this section of the Development Plan indicates that: *"there is a need to strike an appropriate balance between the role of these entertainment uses in the economy of the city"* and the need to protect the amenities of residents from an over-concentration of late-night venues. It states that: *"noise emanating from*

and at the boundaries of these establishments are issues which will need to be addressed in planning applications for such establishments". Furthermore, it states that noise insulation and reduction measures will be required to be submitted with any such planning application.

Having regards to Section 15.14 as set out above there is an overlapping requirement for a balance between hotel, restaurant, and licenced premises commercial land uses with the protection of amenities of properties in their vicinity. With this against a context where the quantum of commercial land uses permitted on this site being permitted by grants of permission alongside being in a context where these land uses are also deemed to be permissible on 'Z4' land as well as encouraged by the Development Plan with hotel development also deemed to be an important to the city economy under Policy CEE26.

Alongside evening and night time land uses are supported under Section 7.5.7 and Policy CCUV35 of the Development Plan stating that the City Council will seek: *"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"*. Additionally, under Policy CCUV36 of the Development Plan it indicates that the City Council will support uses that would result in the diversification of the evening and night time economy where there is little impact on the amenity of adjoining or adjacent residential uses through noise disturbance and where there are no negative cumulative impacts in terms of other night-time economy uses in the area. Moreover, it notes that the: *"development of a 24 hour city in Dublin City has the potential to draw more people into the city, thereby supporting other city centre uses and supporting job growth and the city's economy"*.

Against the above provisions I consider that the proposed development is not inconsistent with Chapter 11 of the Development Plan which promotes the reuse of redundant and underused heritage buildings through to the promotion of active land measures to encourage the sensitive reuse and adaptation of existing buildings. This spatial land management approach also accords with the climate resilient development measures advocated in higher level planning provisions which also include the efficient use of land within the urban landscape of built-up areas where deemed appropriate.

As previously discussed in the assessment above the proposed development includes no material intensification of use and function of the southern courtyard, with the submitted plans showing a loss of 99m² of outdoor accessible space for patrons from the subject courtyard. There is also no change in terms of the permitted hours in which the courtyard would be accessible though I note that the Planning Authority's Environmental Health Officer recommends later opening hours in the morning which I concur with. Should the Board similarly concur with this restriction in hours of operation together with the actual reduction in avail space within the 256m² southern courtyard by 99m² for patrons of the permitted commercial development at this site I do not consider that this proposal requires assessment as giving rise to a 'super pub'. This I note is one of the concerns raised by Third Parties in this appeal case.

On this matter I note that Section 15.14.12 of the Development Plan states that 'super pub's will be discouraged as will the over concentration of public house land uses in certain areas of the city.

This proposal as said would give rise to a reduction in floor space that would be accessible by patrons of this hotel, in particular those who are customers of it as a licenced premises, and with this being the case there is no real change to the concentration of public house/licenced premises within the appeal site's setting.

Conclusion: On the basis of the above, I am satisfied that the proposed development accords with the development management provisions for commercial developments of this nature as provided for under Chapter 15 of the Development Plan, on the basis that as proposed physical and operational measures it seeks to ensure that if the courtyard which is indicated for use by patrons of Keavan's Port Hotel under this planning application that it will ensure that the environment of those residing in its vicinity including occupants of the hotel itself have an qualitative environment that is not unduly diminished by such use. This outcome aligns with Section 15.14 of the Development Plans provisions for commercial in nature developments.

7.4.1.2 *Residential Amenity Impact:* The proposed development sought under this application seeks to re-establish the southern courtyard's use as part of the commercial function and operations of the subject hotel, particularly its ancillary permitted land public house by way of proposing physical backed up by operational measures to prevent and control noise nuisances arising from its use causing an

undue diminish of the amenities of properties in its vicinity. In this regard particular focus in the design measures are to ensure that the nearest residential properties to southern courtyard, with the nearest such property appearing to be No. 7 Camden Street Upper which has a lateral separation distance are circa 6m from its southern boundary. It would also appear that the measures now proposed seek to regularise the permitted development at No.s 1 to 5 Camden Street Upper and No.s 49 to 51 Camden Street Lower compliance with the noise requirements placed upon the commercial development permitted on this site under ABP PL29S.247635 and P.A. Ref. No. 3351/20.

In relation to these grants of permission ABP PL29S.247635 under firstly under Condition No. 1 required the permitted development to be carried out and completed in accordance with the plans and particulars lodged with that application and as subsequently revised prior to a grant of permission was made. The reason for this condition was given as being in the interest of clarity, with of note the occupancy of the subject courtyard area based on maximum capacity of 60 persons. Also, of relevance Condition No. 12 required compliance with a number of noise control requirements post completion of construction works. For example, it included under the following sub-conditions:

‘(b) That the external courtyards shall be acoustically treated as per the measures set out under AWN Noise Impact Assessment’.

‘(e) That a noise mitigation plan shall be drawn up and submitted to the planning authority, prior to the commencement of use, detailing the measures that will be taken to minimise delivery noise and through to providing a level of protection for properties in its vicinity’.

‘(f) That the cumulative noise level of all plant and equipment used on site shall not exceed 40dB LAeq(1 hour) when measured at any neighbouring noise sensitive dwelling’.

The given reason for this condition included in the interests of residential amenity. The grant of permission under ABP PL29S.247635 also included Condition 14 which restricted music, other amplified sound, or broadcast to be emitted from the premises in such a manner as to cause nuisance to the occupants of nearby properties. Again, the reason for this condition overlaps with that indicated for Condition No. 12.

The parent permission was not implemented in a manner that accorded with what was permitted. With this including a lack of compliance with the requirements set out under Condition No. 12 and as part of regularising the commercial development as carried a retention permission was sought under P.A. Ref. No. 3351/20 for the deviations from the permission granted under ABP PL29S.247635. The grant of permission for P.A. Ref. No. 3351/20 included Condition No. 2. This required the development to be carried out in compliance with ABP PL29S.247635 except where modified by this grant of permission. As discussed above the documentation included with P.A. Ref. No. 3351/20 included a significant increase in seating and tables in the southern courtyard area. The given reason for this condition was given as: *“to provide for an acceptable standard of development”*.

Also of note is Condition No. 6 of the grant of permission P.A. Ref. No. 3351/20 which includes requirements that in part overlap with those included in Condition No. 12 ABP PL29S.247635 sub conditions. This condition also in my view includes additional more stringent noise control requirements including sub condition (a) which states that the: *“noise levels from the proposed development 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. The rated noise levels from the site (defined as LAeq 1 hour) shall not exceed the background noise level (as defined in B.S. 4142:2014 by 10 dB or more)”*. Further under sub condition (b) it restricts all music within the external areas or directed into the external areas of the premises.

Condition No. 6 of P.A. Ref. No. 3351/20 also required that the external courtyards be acoustically treated as per the specifications set out under Noise Impact Assessment that accompanied the parent grant of permission (Note: sub condition (c)) with an assessment of the same carried within 6 months of the premises opening and at appropriate times and under appropriate conditions to ensure that the measures taken are adequate to prevent noise nuisance at the neighbouring domestic dwellings.

To this I also note that under sub-condition (f) of Condition No. 6 of P.A. Ref. No. 3351/20 required a noise mitigation plan be submitted to the Planning Authority and under sub condition (g) required that cumulative noise level of all plant and equipment used on site shall not exceed 40dB LAeq(1 hour) when measured at any neighbouring noise sensitive dwelling.

The given reason for the requirements of Condition No. 6 included in the interest of residential amenities of both the immediate neighbours and general surroundings.

The purpose of this planning application as contended by the First Party is in part based on ensuring compliance for the southern courtyard when in use by patrons with the noise requirements set out under the parent grant of permission and the further retention grant of permission so that the courtyard can function as part of the hotels commercial operations. Which the applicant indicates is imperative to achieve and with such measures also I note appearing to be required on foot of civil action taken against the First Party.

In summary the proposed development reduces the area within the southern courtyard area that would be available for use by patrons of the subject hotel by 99m². This reduction is a positive outcome of the proposed development as it creates a green buffer sub-basement courtyard space between the nearest point within it that would be accessible for patron's use, i.e. the proposed customer enclosed pavilion structure. There would be just over 11m between the southern elevation of the pavilion structure from the inside wall of the southern boundary of the courtyard which adjoins No. 6 Camden Street. Thus, there would be over 17m lateral separation distance between this structure and the boundary of the nearest residential property to the south of it. There is however a concern that in the absence of clarity in terms of the scope of the restricted access through to maintenance of this space that this space though largely functioning as labelled, i.e. an 'Ornament Garden' could still generate noise nuisance if its use and maintenance is not carefully managed. Notwithstanding, this matter could be clarified by way of condition that seeks agreement of an operational management plan for the 'Ornament Garden' which should also include the restriction of hours in which it would be accessible by staff and for maintenance purposes.

Subject to such safeguards I am satisfied that the Ornament Garden aligns with local planning provisions for commercial related land uses that seeks that this balance such uses with the protection of the amenities of properties, including those in residential use, in their vicinity.

In relation to the structure labelled 'Courtyard 1 – Proposed Customer Pavilion' this structure would form part of the reduced in accessible to patrons of the subject commercial premises revised southern courtyard sought under this application. Firstly,

this structure would have attached over a set in a metal frame fully transparent acoustic screen placed towards the northern end of the proposed customer pavilion structure. This proposed screen would be positioned to the rear elevation of period terrace Georgian building of No. 3 Camden Street Upper, Protected Structure, at a slightly north west alignment, with the customer pavilion structure below enclosing an area of 52m² area which effectively encloses the area to the rear of this Protected Structures basement level rear elevation and extends westwards to where it meets the basement level of the modern hotel building extension. To the north of this screen are glazed screens that cover the southernmost end of the adjoining 'Courtyard 1- North Side Existing Customer Garden' space.

The acoustic screen purpose is to function as an acoustic barrier that would extend 4m up from the top of the pavilion canopy type structure. As such when taken together with the height of the pavilion canopy structure it would be attached too, they would have a combined height of 8.05m where this screen would be attached. At this height and given that the courtyard occupies a basement level it would not exceed the height of the main ground floor level of the rear elevation of the group of Protected Structures it attaches to. Particularly that of No.s 3 and 4 which would be the two period structures in its immediate context. Consideration of this addition should also have regard to the fact that this terrace groups original design includes a basement level, with this also apparent in their principal elevation that faces onto the western side of Camden Street as well as is the case for adjoining and neighbouring Georgian terrace properties of No.s 6 to 9 Camden Street Upper to the south. It is also a feature of Protected Structure No. 52 Camden Street Lower to the north of the site, with of note No.s 7 to 9 Camden Street Upper including residential dwelling units.

These elements of the proposed design seek to acoustically absorb noise arising within the customer pavilion structure which is open on its northern side as well as the adjoining courtyard space to the north side whose main area would be uncovered but would benefit from the acoustic panelling present along the lower elevation of the modern hotel extension building.

The documentation provided with this application indicates that the glazing for this acoustic screen over the proposed customer pavilion would consist of 52.5mm thick acoustic glass (Note: consisting of 4x12mm toughened HST glass with Ionoplast interlayers, i.e. 4x12mm glass and 3x1.5mm SGP interlayer, total thickness 52.5mm)

that would be placed in a metal frame with no gaps and with all joints sealed to the existing walls as well as to the pavilion canopy structure below. The glass would fit into the steel frame with the uppermost level of the screen not including any steel detailing as part of the design and ensuring its transparency as well as lightness appreciable as a new built layer when viewed in its setting. In this regard the documentation indicates that a 65mm wide x 20mm thick x 200mm long steel shelf plates would be welded to structural steel section at the bottom to support weight of the glazed screen.

It is also indicated that the glazing has been engineered for wind loads. In this regard it is indicated that the glass unit based on 2m x 4m (8m²) 10kN (1t) (4x12mm glass and 3x1.5mm SGP interlayer, total thickness 52.5mm) with an adopted wind load 1.2kPa (location sheltered between buildings, wind load checked as for free standing wall, $q_p=0.8\text{kPa}$, $C_{pnet}= 1.4$ therefore $WL=1.2\text{kPa}$). The submitted documentation indicates that the design is such that the maximum wind and barrier load will not act concurrently, with the load magnitude of barrier considered smaller than wind load in any case. Therefore, it considers that the specification of the proposed design is assumed as safe for human impact in this application should an adverse wind event occur with this further supported by detailed analysis of the deflection, the geometry, the maximum strength of the glass through to the bolting together of the glazing units with the metal frame structure.

The glazing which would be used within the customer pavilion structure is also designed to allow for operatives to maintain its roof structure over which I note includes a c48m² green planted area. It also includes three sun lights. With this including one central sunlight of 4.3m by 1.8m and two smaller in area sunlight positioned on its eastern and western side of the roof structure in proximity to the existing buildings, providing daylight/sunlight penetration to its interior space.

It is indicated that the design of this acoustic screen avoids interference with the Protected Structures window openings and does not interfere with its upkeep through to its visual appreciation as well as being light weight in its design it would also not be visually apparent from other sensitive to change Protected Structures in its visual setting. It is indicated that the works would be carried out in a manner that accorded with best practices for such works and would not interfere with the future maintenance of the exterior elevations, particularly those in proximity to the pavilion, glazed screen

over and the glazed extending canopy to the north of the pavilion structure. This is also in the context whereby the overall physical structures would keep the Protected Structures adjoining the eastern side of the courtyard itself in residential use as part of the hotel use permitted at this site, with the upper floor levels mainly containing hotel bedrooms.

It is also of note that the glazed screen over the pavilion structure is designed to deal with noise arising from the exposed northern side of the proposed pavilion canopy structure and the pavilion canopy structure is acoustically designed to include containment of noise also in its southern wall as well as its roof structure over. With this in the context of No.s 7 to 9 Camden Street Upper and No. 14 Grantham Place being including residential uses that would be sensitive to undue noise overspilling beyond the southern boundaries of the subject courtyard. Alongside the modern hotel building acting as a noise buffer for residential land uses on the opposite side of Grantham Place to the immediate west of the hotel and its courtyard subject of this application.

The noise impact assessment provided with this application includes an analysis of what is described as the partially enclosed pavilion area (52m²) indicates that it would be positioned 18.71m from the existing southern boundary wall to Courtyard 1 with an acoustic glass screen (c4m in height, c8.2m wide & c52.5mm thick glass) fixed to the pavilion and wall at an angle with an acoustic quilt (100mm) installed under the roof steel beam frame of the pavilion.

It is also indicated to be based on the construction of an acoustic glazed low-level structural wall and frame which it described as being c3.58m in height & c8.5m wide) facing the south side boundary of the courtyard, to prevent patron access to southern end of the external courtyard as well as the construction of 2 no. external canopies located alongside the pavilion structure, with an uncovered patron smoking area (105m²) adjoining its northern unenclosed end.

Furthermore, it indicates that it includes general guidance recommendations for “*noise from the operation of the courtyard beer garden and smoking area*”, with this analysis has regard to previous noise impact analysis undertaken as part of previous applications permitted relating to this site and also the noise related conditions attached to their grants of permission. Additionally, it indicates that regard was had to

background noise in the preparation of the assessment as well as the criteria of BS 4142:2014 and EPA NG4.

To this I note that this assessment overlaps with the indicated hours of operation set out in the accompanying operational plan (Note: Keavan's Port Hotel -Courtyard No. 1 Management Plan). Alongside it indicates that the noise levels were reviewed and predicted in accordance with the methodologies outlined in ISO 9613 using SoundPlan 9.0 modelling software (Note: this software implements the algorithms contained in ISO 9613-1 and ISO 9613-2) and it included in its consideration the following factors:

- Distance attenuation
- Source and receptor locations
- Barrier effects
- Topographical elevations
- Ground effects and absorption
- Source sound power levels
- Directivity and orientation of the source
- Atmospheric attenuation and meteorological effects

Moreover, it describes the courtyard area as a '*beer garden*' that has been developed assuming the following capacities and assumptions:

- Maximum capacity of 150 patrons (75 patrons in the covered area and 75 patrons in the smoking area)
- Existing Class A absorption to remain on walls
- Minimum acoustic performance of 42dB R_w /Minimum glazing acoustic performance 42dB R_w
- No music played in the beer garden or smoking area
- Courtyard closes at 23:00hrs
- Patron noise assumed at 1 in 3 persons speaking with raised voice

Additionally, it indicates that a baseline model was set up to calibrate the model with the results of the previous site measurements when the beer garden was in operation.

It further indicates that the assessment and modelling were based on a worst-case scenario during daytime hours with full occupancy in the enclosed beer garden and smoking area. Clarifying also that the beer garden would not be open during night-time hours, i.e. after 23:00 hours and that the assessment included a baseline noise survey of the existing operational noise levels from courtyard 2 which I note to the Board is located to the north of the glazed atrium link and is given to be operational with a maximum capacity of 22 persons.

With this latter assessment including the noise generated from its operational use at the boundary with the nearest noise sensitive receptor through to the use of a Class 1 sound level meter/noise logger in general accordance with IEC 61672-1:2013 used for the attended measurements which was carried out continuously between the 8th of May, 2024, and the 22nd of May, 2024, respectively.

Of note during this unattended noise survey period the main noise sources identified and therefore informing the background noise in addition to the operational smoking area to the north of the link was the creche noise at No. 6 Camden Street, with this indicates as the most dominant source in the area during the day. It also found that traffic noise from the R811 and other localised roads being the most dominant noise source in the area at night. Also, birds chirping and seagulls were noted as noise sources during the survey period.

The weather conditions of the assessment period were also described as generally good with winds typically less than 5m/s and no rain for most of the days. However, heavy rain was noted on 13th of May and therefore noise measurements were filtered for these adverse weather conditions.

This unattended noise survey found that the noise levels exceeded the night-time criteria twice over the period of examination. This exceedance was attributed to noise from nearby premises and closing time. Alongside it found that the noise during the day was predominantly from the nearby creche which exceeded the BS4142 criteria when open. Additionally, it found that the background noise impact during the daytime period was also significantly lower on the weekends including no exceedances of BS4142 criteria when the creche was closed during weekend days.

The assessment indicates that the proposed construction of the new pavilion and associated features including but not limited to the noise wall over and the operational

noise management policy that would be employed when the southern courtyard is open predicts that the no negative noise impact on sensitive to change residential receptors would arise.

To this I also note for clarity purposes to the Board that the assessment provided with this application alongside the First Party's further response to the Third Party Observations identify the noise sensitive locations to be No.s 6 to 10 Camden Street Upper which is identified as 'NSL1' and a housing development on the opposite side of Grantham Place, i.e. No.s 1 to 11 Grantham Place which is identified as 'NSL2'.

I note that the noise sensitive locations did not include No. 14 Grantham Place whose rear boundary is c6m from the southern boundary of the subject courtyard. On this point I consider that the noise impacts arising from the proposed development if permitted would not be very dissimilar to that of the properties identified as NSL1 in the noise impact assessment. This consideration is based on this residential property having a similar lateral separation distance of c6m from the southern courtyard at its nearest point through to the nature of the existing built structures outside of the modern hotel being single storey in nature between it. In saying this there is likely to be some level of attenuation of noise from the modern hotel building given its placement relative to No. 14 Grantham Place; however, I consider that similar impact precaution to that of the properties identified as NSL1 in particular No. 7 Camden Street Upper should be had in the assessment of this proposed developments impact on its setting.

In conclusion the noise impact assessment report accompanying this application effectively seeks to demonstrate that the physical and operational measures proposed development would result in the subject courtyard being operational in a manner that would be compliant with the relevant grants of permission, in particular the noise requirement conditions they contain.

The Third Parties do not support these conclusions and the basis for this I have summarised in detail under Section 6 of this report above. This I note to the Board includes but is not limited to the fact that they do not accept the findings and conclusions of the accompanying noise impact assessment as a whole and they contend that the likely result of this proposed development would be much greater noise impacts on residential properties than that concluded upon, with these being in excess of what is accepted as appropriate decibel baseline standards during the day

and at night. As part of the submissions provided by the Third Parties is a separate noise impact assessment (Note: iAcoustic noise assessment) which in their view supports these concerns and demonstrate that the proposed development should be refused on the basis of this likely adverse nuisance it would result in for residential properties in its vicinity.

The Third Party's raise significant concerns that the configuration of the subject courtyard makes it unsuitable for future use by patrons of the hotel, particularly as a beer garden, where large consumption of alcohol would be consumed and with this space being an entertainment space as such generating a significant array of varying noise nuisance sources that would give rise to an unacceptable diminishment of their residential amenities. They also raise concerns in relation to what are considered to be extensive hours of operation indicated in which the subject courtyard would be available for patrons use if the proposed development were to be permitted.

The First Party in their further response received by the Board refute the contentions made by the Third Party's observations that their noise impact assessment is flawed and lacks robustness in its assessment of impact on residential properties in the vicinity of the subject courtyard. In this response their noise experts provide comments that examine why this is not the case as well as they provide further assessments and clarifications including examination of female vocal spectrum, additional model visualisation which includes 3D noise model of the courtyard and its setting to the south of it. Their additional assessments and clarifications in their view demonstrate that the proposed development is one that has been designed based on the worst-case scenario for the subject courtyards use and that the physical measures proposed are the primary components of this proposal that would manage, control and prevent noise nuisance overspilling beyond the southern courtyard particularly at such a level where it could reasonably be considered as a nuisance to residential properties in its vicinity.

They further reiterate that there is no direct guidance or legislation which clearly defines how patron noise from this type of circumstance should be assessed and therefore they have had regard to guidance set out in the Association of Australasian Acoustical Consultants (AAACs) document titled "Licensed Premises Noise Assessment Technical Guideline" Section 2.3 which relates to venue patron levels as well as other guidance documents that are considered to provide an informed basis to

examine noise nuisance having regard to the nature of the subjects courtyards use and industry as well as best practice standards.

The Third-Party responses received by the Board again reiterate that they do not support the contentions of the First Party that the proposed development would not give rise to significant and material diminishment of their residential amenity for properties in the vicinity of the subject courtyard. There is also support given to the findings of the iAcoustic noise assessment which is contended to provide basis that the proposed development would give rise to serious injury to residential properties in the setting of the courtyard should the proposed development be granted, with the impact being such that it would warrant refusal of permission on the basis of this impact to their amenities.

In relation to the noise nuisance related concerns raised by Third Parties in relation to the proposed development I consider that they are a reasonable concern given the land use character of the site and its setting, which includes the southern courtyard's proximity to existing residential properties. They are also a concern in my view in relation to the primary hotel land use permitted at the site of No.s 1 to 5 Camden Street Upper and No.s 49 to 51 Camden Street Lower as the sustainability of this use is dependent upon qualitative standards for customers of its bedrooms.

I note that the Planning Authority's refusal of permission does not make any reference to the residential amenity impacts. I also note that its Planning Officer and their Environment Health Officer (EHO) raised no substantive concerns in relation to the proposed development in relation to residential amenity impact, including in terms of noise nuisance, subject to safeguards, if permitted. Additionally, I note that no further comments were provided by the Planning Authority in their response to the grounds of the appeal outside of seeking that the Board uphold its decision.

In this regard I note that the use of the southern courtyard subject of this planning application, has a variety of associated noise sources, in particular the noise generated from patrons using this space over the proposed hours that it is proposed to be open for their use, i.e. 7am to 11pm. With the subject courtyard forming part of hotel development with a significant floor space dedicated to mainly public house and less so for restaurant use in what is a tight grain mixed use setting with the nearest sensitive to change residential properties being located 6m to the south.

The subject site is also part of a bustling and vibrant 'Z4' land use zoned location under the Development Plan which centres around the heavily trafficked regional road of Camden Street (R811). This is a context where there are significant background noise sources in its setting with this apparent at the time of inspection and as found by the noise impact assessment provided with this application. I noted in particular noise associated with the adjoining land uses, in particular the creche at No. 6 Camden Street and road traffic.

Unfortunately, it is the case that Ireland at the time this report has been prepared has no formalised, universally applied method for assessing the use of spaces like the courtyard subject of this application and its likely end use as a beer garden, sundry eating as well as beverage outdoor area for as part of this permitted hotel use and its ancillary permitted uses.

This fact is acknowledged by all parties to this case and in the various noise impact assessment documents provided as well as various insights provided in the submissions on file.

In my view there is also a mismatch between the permitted planning capacity of the subject courtyard space, the planning related documents provided with this application through to documents that relate to other codes that fall outside of the remit of the Board under this appeal case.

However, on precautionary basis, I consider that it is not inappropriate that higher capacity of occupation of the courtyard has been used in the preparation of noise impact assessments for the subject courtyard so that a worst case scenario is examined with this testing the likely robustness of the noise measures proposed so that they are such that they achieve their purpose, i.e. to ensure compliance with the noise requirements set out under the relevant grants of permission for the subject commercial operation.

In this context the maximum capacity of 150 patrons is provided in the noise impact assessment provided with this based on 75 patrons in the covered external area and 75 patrons in the smoking area. I concur with the Third Party that this even split is not likely to reflect the customer pavilion structure and the courtyard to the north to the said pavilion structure mainly based on their intended design, layout, and their significantly different patron floor area. I am also cognisant that this patron occupancy

number does not correlate with the capacity set out in P.A. Ref. No. 3351/20 which showed the area in which the customer pavilion structure space as containing tables and chairs which this proposal indicates would be carried through under this proposal. Also as discussed, no material and/or significant variation in terms of the design, layout and arrangement of structures which also includes soft landscape planters is indicated under this planning application now before the Board. Further the omission of 99m² of the subject courtyard from being accessible to patrons and the documents with this planning application indicating that the pavilion interior layout would correspond with P.A. Ref. No. 3351/20 would appear to suggest this proposal would give rise to a reduction in this space patron occupancy. This outcome would together with the increased lateral separation distance between the subject courtyard that would be available for use by patrons of the hotel together with this space not having any music or other amplified sounds reduces the potential for noise nuisance to arise given the smaller numbers even at its maximum capacity using this space if the proposed development were to be permitted.

Whilst I have previously noted that there is no universally applied method for assessing the use of outdoor spaces, including those used as beer gardens and/or the consumption of beverages and food, I am cognisant that in Ireland, on the matter of noise, reference is often had to the 'Good Practice Guide on the Control of Noise from Pubs and Clubs' (Institute of Acoustics (IOA), 2003), and the 'Effective Management of Noise from Licensed Premises' (British Beer and Pub Association, 2003). I consider that these documents give straightforward, practical guidance on how to reduce noise emissions from venues and minimise the adverse impact on the local community. I also note that the Third Party's noise assessment includes references to other documents including the ANSI S3.5:1997 which was published in 1997, which I note the First Party's concerns is significantly out of date and not a document normally considered in the Irish or UK context.

I note that both the Third Party's and Appellant noise consultants refer to the AAAC (Note: Association of Australasian Acoustical Consultants) publications, with which I am familiar. I also note from my professional experience that the method for assessing the use of outdoor spaces has been applied to historic buildings/venues with limited outdoor space in similar use, i.e. beer gardens/premises for the consumption of alcohol through to restaurants, in close proximity to a variety of land uses including

residential properties within the historic city neighbourhoods. I note to the Board that I observed that many of these historic precincts where this methodology was used. With this including in relation to proposed developments with outdoor spaces that had by way of their nature of their use the potential to give rise to noise nuisance, with this including historic buildings including neighbouring residential in use. In this regard, whilst the Australian weather is such that outdoor spaces are likely to be more heavily used due to its climate, notwithstanding, the general principle of the AAAC standards is still in my view pertinent to this case, in that they seek to minimise noise emissions and adverse impacts on the local community, including the nearest sensitive to change receptors such as residential in use properties.

Also, I consider that each development relates to site settings that have their own unique physical through to functional attributes that will have impact upon their potential for noise emissions and noise overspill onto Third Party properties. With for example the subject courtyard having a long rectangular shape with a variable width of between 8m to c9m as well as a space that is highly contained by tall structures on three sides with courtyard having a sunken basement level in a tight grain urbanscape that includes historic Georgian period terraces within close proximity to it.

Potential noise nuisances in terms of assessment purposes are largely based on best scientific knowledge and understanding of noise related matters, with the World Health Organisation (WHO) guidance accepted as an appropriate resource for determining whether noise levels are such that they are of a nuisance and/or harmful to health level. It is therefore of note that Ireland's Environmental Protection Agency (EPA) reflects the WHO guidance in its noise guidance documents. The EPA acknowledges that there are no universal noise standard laws that apply in Ireland but indicates in their guidance on this matter that Planning Authority's may refer to particular noise standards in terms of determining developments that have the potential to give rise to noise pollution from various sources. Including where there is potential for noise nuisance, danger to human health, damage to property through to damage to the environment could arise. Against this context I note also that the Environmental Protection Act, 1992, defines noise nuisance as:

"Any noise that is so loud, so continuous, of such duration or pitch occurring at such times as to give 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".

It is important to note that the EPA Act defines environmental pollution as including noise nuisance that would endanger human health; damage property; or the environment.

It also sets out actions to limit noise pollution. As well as that the Environmental Noise Regulations, 2006, (Note: S.I. No. 140 of 2006), implements EU Directive 2002/49/EC on the assessment and management of environmental noise with environmental noise meaning any unwanted or harmful outdoor sound created by human activities, including noise emitted from sites of commercial activity which I consider the operations associated with Keavan's Port Hotel to be.

It is evident in my view from the information on file that the southern courtyard when operating as part of the subject commercial hotel that there has been a disconnect in ensuring compliance with the requirements set out under grants of permission ABP PL29S.247635 and P.A. Ref. No. 3351/20. As previously discussed in the assessment above these grants of permission set out the noise prevention measures to be complied with as part of the permitted quantum of land uses at the site of No.s 1 to 5 Camden Street Upper and No.s 49 to 51 Camden Street Lower.

In this context this proposal consists of providing physical and operational measures to ensure compliance with the requirements of these grants of permission where the noise impacts take the form of an absolute test, with noise thresholds and associated safeguards to prevent noise nuisance specified in the conditions attached to the grants of permission ABP PL29S.247635 and P.A. Ref. No. 3351/20.

In this case I consider that the proposed measures which I note are dependent upon qualitative and robust implementation of both the physical as well as operational measures to achieve this compliance are seeking to achieve a situation where the subject courtyard can be again used as part of the commercial operations on this site. With the First Party also proposing monitoring after construction and as part of the long-term operations of the subject courtyard so as to ensure that an appropriate balance is achieved between its use and the ensuring no detrimental amenity impacts on properties in its vicinity, particularly residential in land use function, that they acknowledge despite the site and its setting 'Z4' land use zoning are sensitive to noise pollution nuisance, harm and environmental disamenity. Thus, aligning with the grants of permission ABP PL29S.247635 and P.A. Ref. No. 3351/20.

Having regards to the above, I consider that the effectiveness of the proposed physical and operational measures will be as good as the quality of their implementation, and it would therefore be appropriate not only to limit the capacity of the customer pavilion structure and the courtyard space to the north of it to a level that is commensurate with their occupancy as granted under P.A. Ref. No. 3351/20. That number would given the design and layout of seating, tables, landscape through to sundry features would be circa 70/75 persons maximum.

I acknowledge that this figure significantly is below that of the 135-person maximum capacity sought by the First Party, however, I consider that such a figure does not correlate with the design and layout of the southern courtyard proposed under this application; it does not have regard to the design and layout of P.A. Ref. No. 3351/20 through to the commensurate reduction of space accessible to patrons of the hotel within the southern courtyard by 99m². As discussed above this application does not include any intensification of the southern courtyards use as permitted and any such intensification would warrant detailed consideration under a separate application.

Effective testing of noise emanating from the use of the southern courtyard would be required as part of any grant of permission as part of ensuring that when in operational use that adheres with the requirements set out under relevant grants of permission including P.A. Ref. No. 3351/20 and ABP PL29S.247635.

Additionally, I consider that there is a lack of clarity within this application on the operational management of the 'Ornament Garden' both in terms of its accessibility by staff, with the commercial operations of this hotel having a significant staff number through to its maintenance. Any grant of permission should include prior agreement of a revised operational management plan that includes the 'Ornament Garden' given that various noise sources from staff access through to maintenance could give rise to additional undue serious injury of residential properties in the vicinity by way of noise nuisance.

In tandem with this and given the sensitivity of the site's setting to change despite if forming part of 'Z4' land, with this arising from its primary use as a hotel, its proximity to residential properties through to the built heritage merit of its context, I recommend that the Board should it be minded to grant permission could include an appropriately worded condition for a temporary in duration grant of permission. This would provide

a reasonable time frame against whether the proposed development is one that does not give rise to any serious injury to the residential amenity of properties in its immediate context. I suggest two years would be reasonable in this site context and during this time the veracity of the measures in terms of protecting neighbouring residential properties in a manner consistent with relevant grants of permission could be subject to effective monitoring, ideally with testing occurring at noise sensitive locations.

Moreover, should the Board be minded to grant permission for the proposed development sought under this application I also recommend that it includes the safeguards set out by the Planning Authority's EHO in their Air Quality Monitoring & Noise Control Unit report should also be imposed. These safeguards in my view are in the interest of protecting residential amenity and overlap with my recommendations above.

To this I note that the EHO safeguards however also include reduced hours in which the pavilion canopy and uncovered courtyard area to the north of it would be accessible to patrons of the subject commercial operations. They recommend that as part of a grant of permission that the hours in which the revised southern courtyard be accessible for patrons be restricted to the hours of 10am to 11pm. I consider that the later opening of 10am is reasonable when regard is had to the primary land use which is as a hotel and given the proximity of the southern courtyard to residential properties with both being extremely sensitive to noise nuisances. I consider that similar day time be provided for the Ornament Garden and that access by staff as well as for maintenance purposes is restricted also. On the latter recommendation I would suggest restricting access and maintenance seven days a week to 10:00 to 1900 and any deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Conclusion: Subject to the above safeguards above, I consider that the proposed development is acceptable as it seeks to achieve compliance with the planning requirements placed upon the commercial operations on this site whose primary permitted use is as a hotel through also includes public house as well as restaurant floor space and balancing this use as permitted with the established amenities of properties in its vicinity, particularly those with a residential function, in a manner that is consistent with relevant planning provisions and safeguards. Against this context

the proposed development should result in an improved outcome for the neighbouring property particularly those to the south and south west of it should this proposed development be permitted and implemented.

7.6. Residential Amenity Impacts – Other

- 7.6.1. In terms of other potential residential amenity impacts arising from the proposed development I consider that nuisances are likely to arise during the construction of the proposed development. During this phase, the proposed works are likely to give rise to noise, dust, vibrations through to increased traffic generation. However, I consider that these would be of a temporary nature and would be required to be carried out in compliance with standard codes of practice. It is also standard planning practice to include conditions that seek to minimise such impacts in the event of a grant of permission. Additionally, I consider that other operational nuisances of the southern courtyard spaces could be addressed by way of an appropriate worded condition. In particular I consider that any changes to the agreed lighting scheme already in place in the southern courtyard could be dealt with by way of an appropriately worded condition.
- 7.6.2. Conclusion: I am satisfied that the proposed development if permitted would not give rise to any other undue serious injury to residential amenity of properties in its vicinity should it be permitted.

7.7. Built Heritage

- 7.7.1. No.s 1 to 5 Camden Street Upper, which bound the eastern side of the subject courtyard are designated Protected Structures and have been subject to restoration, adaption, and extension as part of the hotel development that now occupies their historic plots as well as includes the historic plot of No. 49 to 51 Camden Street Lower.
- 7.7.2. The Planning Authority refused permission for the proposed development for one single given reason which included concerns that the proposed development would result in serious injury to the Protected Structures special architectural character and their setting in a manner that would contravene Policies BHA2 and BHA9 of the Dublin City Council Development Plan, 2022-2028. They also raised concerns that the proposed development would constitute an unacceptable form of over-development of the open courtyard to the rear of No. 3 Camden Street Upper by effectively infilling

the remaining open area between its rear elevation and the modern hotel behind it. As such the Planning Authority considered that the proposed development would result in serious injury to its special character as well as its setting and that for these reasons it would contravene Policies BHA2 and BHA9 of the Development Plan.

- 7.7.3. In relation to these concerns, I note that the subject application was accompanied by an assessment of the architectural/historical significance of the proposed development on No.s 1 to 5 Camden Street Upper and No.s 49 to 51 Camden Street Lower.
- 7.7.4. This report describes the rear facades of the above listed Protected Structures as being retained repointed brick and render in terms of the external expression as well as being located on either side of the glazed link which it describes as an entrance atrium focused on No. 49 Camden Street Lower.
- 7.7.5. It further notes the presence of the restored stain glass window openings to the rear of No.s 4 and 5 Camden Street Upper which I observed are attractive features as appreciated from the subject courtyard and from the modern extension constructed to the rear of No.s 1 to 5 Camden Street Upper and No.s 49 to 51 Camden Street Lower. They are also can be appreciated from the interior spaces of No.s 4 and 5 Camden Street Upper by patrons and staff of the hotel.
- 7.7.6. Additionally, the rear setting indicates that previous circumstance to the rear of these Protected Structures which I noted included also an attractive period brick chapel building consisted of tarmac with a part basement level 1800mm below the basement level which now forms part of the subject courtyard. With this area now being described as containing the modern hotel wing which is located to the rear of both courtyards and the historical boundary with Grantham Place.
- 7.7.7. The assessment recognises that despite the loss of the historical spaces to the rear that the subject Protected Structures with an original use as houses have historical significance as part of an early 19th century terrace group that contribute to a relatively intact Georgian terrace group that fronted onto Camden Street. This I note overlaps with the appraisal given for the Protected Structures on this site and those adjoining it with frontage onto the western side of Camden Street Upper and Lower.
- 7.7.8. The assessment considers that the proposed development will have no impact on the important restored setting of the subject Protected Structures and the conservation area they form part of. It notes that restoring the courtyard for use would improve the

Camden Street setting by patrons no longer informally using its public domain as an informal smoking area.

- 7.7.9. In relation to the impact on the rear of the Protected Structures it is reiterated that outside of the southern boundary wall which retains historic built fabric and the former historic chapel building that there are no original features surviving, with the original plots now being combined within the complex of this hotel premises. However, it acknowledges that the courtyard setting has merit in their context given that they provide and enhance the character of these Protected Structures setting.
- 7.7.10. It considers that the proposal has been designed to avoid any loss of historic fabric and that the glazed screen which would be connected to and cantilevered off the existing non historic structure at basement level with the glazing being of extra transparency in order to avoid distortion or colour change would be barely visible in the context of these historic Georgian period terrace buildings.
- 7.7.11. Alongside it contends that the design would be more reflective of the historic plot boundaries of these period buildings.
- 7.7.12. It is also considered in the assessment provided that the proposed physical interventions sought under this planning application would also not be discernible from adjoining Protected Structures to the south. Nor would it diminish the appreciation of them by patrons of this commercial premises, but it would still allow the rear elevations, including the two Earley stain glass windows it contains, to again be appreciated by users of the subject courtyard.
- 7.7.13. In relation to the physical impact on the Protected Structure the assessment clarifies that the glazed screen has been designed to cantilever off existing subbasement ground level structures to avoid framing it and that this non-structural acoustic sleeve connection will be provided to the facades on either side.
- 7.7.14. In relation to this intervention it is indicated that this would give rise to a minor but reversible impact on the render of the rear elevation of the Protected Structure. With the vertical joint required on either side with the use of silicone pointing capturing the edge of the glass in a channel 100mm by 50mm and where any vertical deflection in the flanking wall this would be packed with lime render. It indicates that the final specifications would, however, be subject to agreement.

- 7.7.15. This assessment considers that the proposed development accords with local through to national planning provisions and guidance in relation to works to Protected Structures and within their setting. These conclusions are further reiterated by the Appellant in their appeal submission and in their further response received by the Board.
- 7.7.16. The Third Parties in a consistent manner concur with the Planning Authority's given reasons for refusal, including the concerns raised in its given reasons and the comments made, particularly by its Conservation Officer in their report. Like the Planning Authority's given reason for refusal, they also raise concerns that the proposed development could give rise to overdevelopment of the site and, if permitted, would result in an undesirable precedent for similar interventions in built heritage sensitive contexts.
- 7.7.17. In this regard the Third Party's raise particular concern in terms of the glazed screen which is considered to be visually out of character and discordant built feature in the context of the site's Protected Structures and their settings. Alongside they contend that the proposed development, if permitted, would result in neighbouring similar in period, design and construction Protected Structures that are in the vicinity unsuitable to maintain established residential uses they contain. With this in a context where the original function of the Georgian terrace group that No.s 1 to 5 Camden Street Upper and No.s 50 to 51 Camden Street Lower was single dwelling units.
- 7.7.18. I note to the Board that the Planning Authority's Conservation Officer in their report considered that the proposed development would be contrary to Policy BHA2 of the Development Plan. This Development Plan policy seeks to ensure that "*development will conserve and enhance protected structures and their curtilage*". They further considered that it would not enhance these Protected Structures on site and in its vicinity setting as part of a Red Hatched Conservation Area. In this regard I note that Policy BHA9 of the Development Plan in relation to such areas states that development within or affecting them: "*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*".
- 7.7.19. They also considered that the proposed customer pavilion structure would constitute an unacceptable over-development of the subject open courtyard area to the rear of

the Protected Structure at No. 3 Camden Street Upper. They indicated that it would effectively infill the remaining open area between the rear elevation of this particular Protected Structures and the modern hotel structure behind. Their report concluded with a recommendation of refusal based on these concerns.

7.7.20. I note that the Planning Authority's Planning Officer reiterated the Conservation Officer's report and its conclusions in their report. With these concerns forming the main basis of the Planning Authority's decision to refuse permission for the proposed development sought under this application.

7.7.21. To this I again reiterate that No.s 1 to 5 Camden Street Upper and No.s 50 and 51 Camden Street Lower are Protected Structures. They are adjoined to the north and south by similar Georgian period buildings to the south and west that are similarly afforded protection under the Development Plans Record of Protected Structures. I therefore concur with the Planning Authority that the provisions of Policy BHA 2 as well as other relevant planning provisions set out under the Development Plan for Protected Structures are relevant in the consideration of this proposed development. I also consider that the provisions of Policy BHA2 of the Development are consistent with those set out under the Architectural Heritage Protection Guidelines for Planning Authorities which it advocates shall also be adhered with as part of any development to and within the curtilage of a Protected Structure as well as their setting.

7.7.22. To this I also note that the Protected Structures that are contained within the site of Keavan's Port Hotel as well as the similar Georgian period terrace properties to the north and south are also listed in the he main provisions for such structures as well as those that are also listed in the National Inventory of Architectural Heritage. As such they are also subject to Policy BHA4 of the Development Plan which requires regard to be had to the provisions of this inventory and the ratings it affords which in the case of the historic NIAH listed buildings on this site and adjoining it are all rated 'Regional' in terms of the architectural heritage importance.

7.7.23. To this I note that the development management standards set out under Chapter 15 of the Development Plan including but not limited to Section 15.15.2 and 15.15.2.3 are also relevant irrespective of the fact that the historical plots associated to the rear of the Protected Structures that comprise this larger site have long been lost and with the

only surviving period built features of interest that survive are in the immediate context of this site the part stone period southern boundary wall and the chapel building.

7.7.24. To this I note that the Red Hatched Conservation Area extends westwards from Camden Street to encompass the subject courtyard area and the rear of the adjoining and neighbouring Protected Structures to the south but excludes the later development that has occurred to the west of them and fronting onto the eastern side of Grantham Place. As noted above the provisions of Policy BHA9 of the Development Plan is relevant to such settings and I note that it indicates that the Council will seek to promote compatible uses which ensure future long-term viability of conservation areas.

7.7.25. To this I note that Section 15.15.2.2 of the Development Plan provides further development management standards for developments in conservation areas including Red Hatched Conservation Areas. This section of the Development Plan also clarifies that this particular type of conservation area: *“does not have a specific statutory protection but contain areas of extensive groupings of buildings, streetscapes, features such as rivers and canals and associated open spaces of historic merit which all add to the special historic character of the city”*.

7.7.26. To this I further note that reference is made in the architectural impact assessments provided that the site forms part of an Architectural Conservation Area and by a number of Third Party's. This is not the case (Note: Map E of the Development Plan) and the conservation area is as stated above.

7.7.27. In relation firstly to the surviving period stone wall structure that provides physical demarcation of the southernmost end of the subject courtyard the proposed development seeks to develop the area to the immediate north of it as a mainly landscaped area (Note: Ornament Garden) that would not be available for use by patrons of the hotel and would be accessible to staff. Views towards this wall would be visible from the proposed customer pavilion structure due to the nature of its light weight design, which is composed of mainly transparent glazing, including on its southern elevation. This transparency would allow patrons inside the pavilion canopy structure to not only appreciate the landscaped greening of this space but also this period stone wall as it survives. Thus, maintaining the legibility of part of the historic fabric associated with the boundary between No.s 5 and 6 Camden Street Upper.

- 7.7.28. Angled views from properties including No. 6 Camden Street Upper, neighbouring Protected Structures in close proximity to the south also forming part of this surviving Georgian terrace group as well from the upper floor levels of the modern addition to the rear of the courtyard, including the glazed link, would not in my view be diminished by the proposed development sought under this application. But this surviving-built feature together with the ceased use of the southern end of the subject courtyard and additional greening associated with the 99m² Ornament Garden would enhance its setting as part of the visual setting of No. 4 and 5 Camden Street and the Protected Structures to the north and south of it. Moreover, views towards surviving built feature are limited to the private domain of the hotel complex and the rear elevation of the adjoining properties to the south of it.
- 7.7.29. In relation to the proposed pavilion canopy structure this built intervention as said is positioned at a sub-basement level relative to the rear of the existing Protected Structures that comprise this site and with it appearing to be lower in comparison to the adjoining properties to the south of it. This pavilion structure would have 48m² of its roof structure over finished with green planting. This would be legible at ground floor level when viewed from the adjoining and neighbouring building as mainly a green space to the rear of No. 3 Camden Street and where it meets the modern building to the east of it. Thus, together with the Ornament Garden and the courtyard to the north there would be three distinctive spaces to the rear of No.s 1 to 5 Camden Street with an east to west axis between their rear elevation and the modern courtyard building.
- 7.7.30. In relation to the glazed screen wall, I concur with the Third Parties that this is not a common built feature to be placed to the rear elevation of a period building including surviving Georgian terrace buildings that are designated Protected Structures, given Regional rating in the NIAH through to within the visual curtilage as well as setting of Georgian terrace group. Notwithstanding, this feature like the pavilion canopy structure is designed to be reversible and in terms of visual impact it would as a result of its light weight design and visual transparency when viewed from the within the context of the subject courtyard, its upper floor levels that front onto the courtyard, the glazed atrium link located to the rear of what historically was the plot occupied by No. 49 Camden Street Lower and at a further lateral separation distance as well as at an angled and oblique view from the rear upper floor levels of the neighbouring Protected Structures to the south of No. 5 Camden Street Upper would not in my view be visually

dominant or highly apparent as a new building layer. With I note its main element consisting of transparent glazing designed to ensure no distortion of view as well as no change in colour when appreciated from these various vantage points. Though adding considerable to the height of the customer pavilion structure it would not in my view do so in a manner that would be visually overbearing, and its transparency is such that it would not interrupt the appreciation of the rear facades of No.s 1 to 5 Camden Street.

7.7.31. Moreover, it and its steel frame support would be positioned over 20m to the north of No. 6 Camden Street the nearest adjoining Protected Structure within the visual context of subject courtyard and the proposed structures would not be visible from the public domain of Camden Street which forms part of the Red Hatched Conservation Area or Grantham Place which lies outside of the Red Hatched Conservation Area. The points where the proposed structures meet the rear elevation of No.s 3 and 4 Camden Street Upper require suitable material to be provided between this intersection that ensuring no noise leakage as well as give rise to no harm to these Protected Structures. The final details should be subject to agreement by way of a suitably worded condition that also ensures that the works are carried out in a manner that accords with best practice for Protected Structures, including the guidance set out in the Architectural Heritage Protection Guidelines.

7.7.32. As said Policy BHA2 of the Development Plan seeks to conserve and enhance protected structures and their curtilage. I note that subsection (a) of this Development Plan requires that regard be had to the Architectural Heritage Protection Guidelines for Planning Authorities. On this point I note that these guidelines provide that proposals should not have an adverse effect on the special interest of the Protected Structure; that interventions are readily reversible without damage to the historic fabric of the building and where fixed/attached to Protected Structures that they do not cause damage to them; through to as part of keeping a historic building in active use that every effort be made to minimise change to, and loss of, significant fabric and the special interest of the structure should not be compromised.

7.7.33. I am also satisfied that the proposed development is generally consistent with other subsections of this Policy which include under subsection (b) that the works would not negatively impact upon their special character and appearance and subsection (c) which requires that works be carried out in line with best conservation practice as

advised by a suitably qualified person with expertise in architectural conservation. This I note is proposed in the documentation accompanying this application. Additionally, it is consistent with subsection (d) which requires development affecting a protected structure and/or its setting is sensitively sited and designed, as well as is appropriate in terms of the proposed scale, mass, height, density, layout and materials through to subsection (e) which seeks to ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure. In relation to subsection (e) as discussed in the assessment above the use of the southern courtyard as part of the quantum of hotel, public house and restaurant patrons has been established in their grant of permissions subject to safeguards.

7.7.34. Overall, I am satisfied that the proposed development would not adversely impact upon the special character of the Protected Structures bounding the subject courtyard, including but not limited to No. 3 Camden Street Upper. Alongside that the proposed design is one that seeks to balance the use of this permitted southern courtyard by patrons of the hotel whilst protecting the amenities of not only the occupants of the hotel which includes bedspaces within the historic buildings of No.s 1 to 5 Camden Street Upper adjoining it. But also, the amenities and special character of Protected Structures to the south of the site.

7.7.35. I am also satisfied that the proposed development would accord with Policy BHA9 of the Development Plan in that it would positively reinforce the original design concept for the hotel development permitted at this site. This design included a less intensive use of the southern courtyard in terms of use by its patrons and included a more qualitative as well as quantitative provision of natural features thereon. Moreover, as discussed above the proposed development would give rise to visual, physical through to functional separation of spaces to the rear of their surviving period elevation of Nos. 1 to 5 Camden Street with the customer pavilion structure to the rear of No. 3 Camden Street in particular achieving an appreciable break up of spaces that echoes that they each were individual historical plots. Ideally a more imaginative representation of the original plots could be designed into the ground level treatment of the southern courtyard as part of allowing for the visual legibility and interpretation of this site, with this further reinforcing the verticality in each of the terrace units of No.s 1 to 5 Camden Street Upper that has been included in their restoration.

- 7.7.36. I am also cognisant that Policy BHA9 of the Development Plan provides for development that protects the character of the area. With this proposed development including physical measures that seek to ensure compliance with its relevant grants of permission which includes protection the character of the built heritage, residential through to visual amenities that contribute to the special character of this Red Hatched Conservation Area setting.
- 7.7.37. Additionally, this Development Plan policy provides for enhancement opportunities with the proposed development seeking to provide physical noise prevention measures that would balance the contribution of this existing as well as permitted commercial use of the site and the positive contributions that have arisen to the public domain of the restoration of No.s 1 to 5 Camden Street, the significant modifications to No. 49 Camden Street Upper and also the restoration of No.s 50 to 51 Camden Street Lower in terms of the western side of Camden Street as part of this Red Hatched Conservation Area. These restoration and other new building layers together with finding and keeping these once derelict period properties in active use has improved the visual character and qualities of this public domain as well as added positively to the vitality and vibrancy of this stretch of this particular, Red-Hatched Conservation Area which extends to the east and west of Camden Street.
- 7.7.38. Moreover, Policy BHA9 of the Development Plan also promotes compatible uses which ensure future long-term viability in the Red Hatched Conservation Area with the proposed development being one which aligns with principle of development permitted on this sensitive to change site subject to compliance with safeguards including bespoke safeguards requiring appropriate noise prevention in order to protect residential amenities in the vicinity.
- 7.7.39. Furthermore, the new building layers would not be appreciable outside of the private domain of properties that form part of the Red Hatched Conservation Area at this location, and they consist of a bespoke design that is reflective of this site and its setting unique sensitivities to change. As such I am not of the view that if permitted that they would give rise to any undesirable precedent. To this it is my considered opinion that individual planning applications should be considered on their individual merits and on a site-specific basis, having regard to current relevant national and local policy which are constantly evolving.

7.7.40. On the matter of overdevelopment, while I accept that the proposed development sought under this application consist of a number of physical interventions to an outdoor courtyard as discussed above it includes the omission of 99m² of the subject space from being accessible to patrons of this commercial establishment (Note: reduction of courtyard space to c157m² for patron use with this use limited by tables, seating, planters and other sundry fixtures as well as features). Its context is such that in order for patrons to use this space that is a need for measures to contain noise and prevent noise arising where it is at a level that would be harmful to properties within its setting as well as for patrons of the hotel's bedrooms. The measures proposed are reversible, light weight and include significant additional greening which contributes positively to the Protected Structures that adjoin it, neighbour it as well as the larger, Red-Hatched Conservation Area they form part of. Overall whilst performing a specific function in dealing with noise nuisance they would not in my view erode the character and distinctiveness of the Red Hatched Conservation Area in a manner that would be overdevelopment of their site context.

7.7.41. Conclusion: Having regards to the above consideration I am satisfied that the proposed development, if permitted, firstly not negatively impact the special character and appearance of any Protected Structure and/or its setting in a manner that could be considered to contravene Policy BHA2 of the Development Plan. Secondly I am also satisfied that the proposed development would not adversely impact upon the character and distinctiveness of its Red-Hatched Conservation Area setting or would it be a type of development that would adversely erode the character as well as appearance of its setting in a manner that could be considered to contravene Policy BHA9 of the Development Plan.

7.8. Other Matters Arising

7.8.1. **Infill Development:** Third Parties raise concerns that the proposed development would give rise to an inappropriate infill development at this location in a manner that they considered to be contrary to the provisions of the Development Plan. In relation to this concern, I note that Section 15.5.2 of the said Plan indicates that infill developments: "*refers to lands between or to the rear of existing buildings capable of being redeveloped i.e. gap sites within existing areas of established urban form*". It

also sets out that this type of development should respect and enhance its context and be well integrated with its surroundings, ensuring a more coherent cityscape.

The proposed development sought under this application includes physical measures and a key component of this is the customer pavilion structure. This structure with glazed acoustic wall over is designed to acoustically enclose an area of 52m² for patron use between the rear of No. 3 Camden Street in a westerly direction to where it meets the modern extension.

It is a contained three sides with an acoustically designed roof structure over with its points where it meets existing buildings also acoustically sealed to prevent noise arising from its use by patrons of the hotel leaking out and causing noise nuisance.

Its placement to the south of a 105m² open courtyard and the sunken basement level of the courtyard together with the acoustic wall over the customer pavilion structure are purposeful in their design and placement relative to the space that would be uncovered and accessible for patrons of the subject commercial premises.

The overall physical measures and structures are designed to contain noise generated by the use by patrons of the hotel of the customer pavilion and the adjoining courtyard to the north of it. They are also designed to fit in to what is an open courtyard space with soft landscape features, and they are reversible.

I do not raise a significant concern would be a form of inappropriate infill development despite it's sensitive to change context against the Georgian terrace group of No.s 1 to 5 Camden Street Upper. Nor as a structure do I consider that its light weight and green roof structure is one that would give rise to significant overdevelopment of this site as is contended by parties to this appeal.

I also note that 204m² of the southern courtyard (Note: total area of c52m²) would remain uncovered if the proposed development were to be developed and this proposal includes enhanced soft landscaping within the southern courtyard. In particular I note the proposed provision of 99m² 'Ornament Garden' and a 48m² green roof over the customer pavilion structure. These features of the design together with the overall soft landscaping would visual soften and buffer the proposed features including the enclosed on three sides with roof over pavilion structure making them part of the southern courtyards overall design and layout that will ensure if they are provided in a manner that achieves their design purpose allow for part of the southern

courtyard to be accessible for patrons of the hotel, whilst not adversely diminishing the visual, residential through to built heritage amenities of their setting.

I am therefore satisfied that the proposed development is not one that would give rise to an unacceptable infill at this sensitive to change site and setting in a manner that would be contrary to local through to national planning provisions. In particular I consider it accords with Section 15.5.2 of the Development Plan as it would if it achieves its design purpose that demonstrates a positive response to its existing context. Additionally, in a manner that accords with this Section of the Development Plan it does not diminish the existing design and architectural features of its setting. Alongside it is legible as a new building layer that when viewed in its visual context is legible as outdoor in their character as well as they represent design measures that seek to overcome an agreed noise nuisance issue arising from use of the subject courtyard by patrons of the subject commercial operations of this site. If they achieve this purpose this would positively contribution to not only the primary hotel use of this site but also to the residential amenity of properties in its vicinity.

7.8.2. Wildlife & Biodiversity: Third Parties in this appeal case raise wildlife and biodiversity impact concerns in relation to the proposed development if it were to be permitted as proposed. In this regard particular concerns are raised in relation to bird strikes, adverse impact on wildlife and biodiversity of this area including the local bird and bat populations.

The proposed development sought under this application relates to an established hotel development and one of its basement level courtyards which has a limited area of c256m². In terms of the development itself it includes no intensification of use but rather further restricts access to the southern courtyard area for use by patrons of Keavan's Port Hotel. The physical measures are as described above modest in their nature, extent, and scope with in my view significant additional soft landscaping proposed as part of the proposal, including the Ornament Garden and the green roof, both of which would have limited access to.

The subject courtyard in its existing form is a built area consisting of a sunken basement mainly comprised of tables, chairs and pockets of landscaping that also includes lighting provision for evening to night time hours. It is not open to patrons of

the subject commercial premises; however, it is still well maintained with its landscape features consisting of varied planting including ornamental specimen trees.

The planting that is present in the southern courtyard through the space is mainly composed of seating, tables, sundry features and semi-permeable surfaces is a recent addition with the site in its previous state mainly covered by hard stand to the rear of its collection of period buildings that mainly front onto Camden Street to the east of the site and to the west bounded Grantham Place. I observed this to be the case having inspected the site in circa 2013 in my capacity as Board inspector. During this inspection I found no evidence of any protected species, including bats and those species afforded protection under local planning provisions through to European Directives. This was despite the buildings that comprise of No.s 1 to 5 Camden Street Upper and No.s 49 to 51 Camden Street Lower, including the church building to their rear being in various states of poor condition and upkeep. With the hardstanding around them in a poor state with ecological and biodiversity value of the site being poor.

This site circumstance was similarly observed in accompanying documentation and by the Boards Inspector for the parent permission, with the site condition having deteriorated with no active use or maintenance to it and its structures in the intervening time.

The site's condition has significantly changed in the past decade by way of the restoration works, modifications, alterations through to new additions carried out on this site for what is now known as Keavan's Port Hotel. Its existing site context is one where there is limited area that are uncovered by buildings with the subject courtyard being its key outdoor space though highly modified. Though containing an interesting variety of planting this courtyard nor any other outdoor space is of significant biodiversity or wildlife value irrespective of the fact that the planting there on has contributed to greening within its urban landscape over and above its previous state.

The urban block it forms part of is predominantly built over and not adjoining any urban green space, through there are mature trees forming part of the wider urban landscape setting including aligning the public roads to the south west along the R811 and Synge Street. Alongside the nearest green park is Iveagh Gardens located c240m as the bird would fly from the southern courtyard to the north east.

Further, there are no environmentally protected area including but not limited to Natura 2000 sites within the zone of influence of this proposed development.

Moreover, there is no evidence to support the presence of any protected flora and fauna species on site or within its setting. I found no evidence also during my inspection of the site that the southern courtyard subject of this application is used by bats for roosting or foraging.

I am satisfied that the proposed development subject to standard safeguard, which in the case of the projecting mainly glazed wall above the pavilion structure would also benefit in my view from measures ensuring that it was anti-glare, etched to provide it with a visual presence through to suitable lighting again to provide it with a presence in inclement lighting conditions, so that it does not give rise to any undue issues for local wildlife and biodiversity including birds and bats. These measures could be required by way of a bespoke worded condition by the Board should it be minded to grant permission. Such requirements in my considered opinion would not be unreasonable as a precaution to ensure that no such undue adverse impacts arise.

Based on the above I do not share the concerns raised in relation to wildlife and protected species are substantive to support any adverse impacts arising from the proposed development, if permitted. I am also satisfied that the additional soft landscaping, in particular the Ornament Garden and the green roof over the customer pavilion would positively contribute to ecological through to biodiversity of this site's setting.

- 7.8.3. **Material Contravention:** Concerns are raised that the proposed development, if permitted, would as fail to accord with through to would materially contravene relevant permission of the Development Plan on the basis of lack of demonstration that the proposed development would not compromise the special character of Protected Structures, through to its setting which are mixed use lands with established residential developments where a reasonable balance of amenity needs to be achieved between them and proposed developments.

I note that the Planning Authority did not refuse permission on the basis that the proposed development materially contravenes the Development Plan. I am satisfied on the basis of the above assessment, particularly on matters relating to built heritage but also other pertinent matters in relation to the considerations of this proposed

development against relevant Development Plan provisions including residential, visual, development management standards environmental, ecological matters and so forth that no contravention of its provisions arises in this case. Therefore, the provisions of Section 37(2) of the Planning and Development Act, 2000, are not applicable considerations in this case.

Conclusion: I am satisfied that the proposed development does not materially contravene the provisions of the Development Plan.

- 7.8.4. **Alternative Design:** The Third Parties seek that the northern courtyard be used instead of the southern courtyard with this area being less likely to give rise to adverse impacts on properties in its vicinity given the more significant lateral separation distance between and its nearest sensitive receptor. In relation to this suggestion, I note that the proposed development sought under this application does not include the northern courtyard within the red line area of the site and as such I consider that any consideration of this space as an alternative option to the proposed development sought under this application is outside of its remit.
- 7.8.5. **Drainage:** I note to the Board that this application is not accompanied by any surface water management details, and it would be appropriate if permission is to be granted that a condition be imposed requiring prior to the commencement of development written agreement of a surface water management plan for the proposed development on site. The Board could also seek clarity that surface water rainwater is harvested for use in the maintenance of the landscaping proposed within the subject southern courtyard as revised. I consider such a requirement would accord with the Development Plans climate resilient measures including those set out under Chapter 13 but also under Section 15.16.2 of the Development Plan. Subject to such safeguards I raise no substantive drainage concerns in relation to the proposed development sought under this application.
- 7.8.6. **Anti-social Behaviour:** Third Parties in this appeal case raise a variety of issues anti-social behaviour issues that are contended to arise from patrons of this hotel establishment and the way it is operated. On this point they raise concerns that if permission is granted for the proposed development sought under this application that the reuse of the subject courtyard as a 'beer garden' would further exacerbate anti-social behaviour nuisances in the vicinity of Keavan's Port Hotel. They contend that

such an outcome would diminish the amenities of properties in the surrounding area as well as its public realm.

As noted in my assessment above the courtyard forms part of the permitted development on the site of No.s 1 to 5 Camden Street Upper and No.s 49 to 51 Camden Street Lower but this is subject to compliance with conditions which include noise prevention, controls, and limits.

Also, this application is accompanied by an operation management plan (Note: Keavan's Port Hotel Courtyard No. 1 Management Plan) which seeks to provide a more robust management of the courtyard area if its reuse is permitted in the manner proposed under this subject planning application or amended. The proposed development does not seek a material change in functional use of the courtyard or the overall commercial hotel facility it forms part of but does include a reduction in the area of courtyard that would be accessible to and used by its patrons. Alongside this proposal essentially seeks to provide physical and operational measures to ensure that its future use is compliant with relevant requirements of its grants of permission.

In this context I consider that environmental nuisance matters in particular those arising from the operations of the hotel in a manner that is not compliant with the grants of permission, including any conditions that may be imposed if the Board decides to grant permission, particularly in this case in relation to the subject courtyard, would be a matter for the Planning Authority to deal with under its enforcement remit. Though I am cognisant of the concerns raised by Third Parties in terms of the Planning Authority's effectiveness in carrying out enforcement to abate noise nuisance arising from the hotel commercial operations to date, the Board does not have an ombudsman or an enforcement role on such matters. These matters are outside of its remit.

I also note that the Dublin City Council anti-social behaviour strategy adopted in accordance with Section 35 of the Housing (Miscellaneous Provisions) Act, 2009, does not cover nuisances arising from commercial premises like Keavan's Port Hotel but rather relates to various types of housing tenancies. Whereas anti-social matters that extend outside of the hotel onto the public domain and adversely impacting on properties within the surrounding area fall under the remit of An Garda Síochána.

It is my considered opinion that the Appellant has a responsibility over the operational management of its commercial operations on this site including the subject courtyard

and carry out their operations in a manner that seeks to ensure and limit adverse anti-social issues arising from commercial development overspilling and causing anti-social behaviour nuisances that adversely impact surrounding properties and the public domain as a 'good neighbour', including liaising with An Garda Síochána where necessary.

Conclusion: I am not satisfied based on the information provided on file that the proposed development sought under this application warrants refusal on anti-social behaviour related concerns as such matters fall outside of planning legislation remit.

- 7.8.7. **Landscaping:** Should permission be granted I recommend that a condition be imposed requiring the final details of the landscaping scheme for the revised courtyard be agreed, with this including measures in terms of rain water harvesting for its future maintenance.
- 7.8.8. **Encroachment/Oversailing:** Though I am satisfied, based on this information, that the applicant has demonstrated sufficient legal interest to make this application. As in all such cases, the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, applies which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development. I also note the provisions of Section 5.13 of the Guidelines for Planning Authorities, Development Management, 2007 in this regard. Given that the proposed development relates to acoustic measures whose efficacy will need to be monitored as part of ensuring compliance with relevant grants of permission noted in the main assessment above and with this being in the interest of protecting residential and other properties within the vicinity of the subject courtyard from serious injury from noise nuisance there will be need to place monitoring equipment on the southern site boundary and/or at agreed locations on Third Party properties. I therefore consider it appropriate and reasonable that any grant of permission includes an advisory note that sets out Section 34(13) of the said Act as a precaution.
- 7.8.9. **Lighting:** Should the Board be minded to grant permission I recommend that a condition be imposed requiring the agreement of any lighting scheme to be provided as part of the proposed development.
- 7.8.10. **Contributions:** I refer the Board to Section 11 of Dublin City Council - Development Contribution Scheme, 2023-2026. The development is not exempt from the

requirement to pay a development contribution. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

Additionally, the proposed development is not exempt from the payment of a Section 49 Luas Cross City Section 49 Levy as it falls within the area of this scheme.

8.0 AA Screening

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning and Development Act, 2000, (as amended). As set out under Section 5.4 of this report above the subject site is not located within or adjacent to any Natura 2000 site and is not considered to be within the zone of influence of any Natura 2000 sites. The closest Natura 2000 sites are located circa 3.5km to the west of Special Area of Conservation: South Dublin Bay (Site Code: 000210) and Special Protection Areas: South Dublin Bay and River Tolka Estuary (Site Code: 004024) as the bird would fly.
- 9.2. The proposed development is set out under Section 2 of this report above and relates to hotel premises with ancillary public house and restaurant complex's southern courtyard outdoor space which is located to the rear of Protected Structures No.s 1 to 5 Camden Street Upper and adjoins the Protected Structure of No. 6 Camden Street forming part of 'Key Urban Villages and Urban Villages – Zone Z4' and a Red Hatched Conservation Area in built-up inner city neighbourhood to the south of Dublin city's centre and with Camden Street being of the key radial routes into the city centre.
- 9.3. Having considered the nature, scale, and location of the proposed development, I am satisfied that it can be eliminated from further assessment. This is on the basis that it would not give rise to any appreciable effect on any Natura 2000 site or sites. The reason for reaching this conclusion is based on the following factors:
- The modest nature, scale, and extent of the proposed development.
 - The planning history of the site.

- The location of the proposed development on serviced lands that are zoned 'Z4' under the Dublin City Development Plan, 2022-2028, for which hotel, public house and restaurant related developments are deemed to be permissible as primary land use subject to safeguards.
- The lateral separation distance from the nearest Natura 2000 sites and the urban nature, function, and physical character of intervening urban landscape with the site having no connection to the habitats and biodiversity that are present in between.
- The absence of any ecological pathways to any Natura 2000 site(s) or otherwise.

9.4. In conclusion, I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a Natura 2000 site or sites and I therefore consider that appropriate assessment is not required in this case.

10.0 Water Framework Directive

10.1. Screening the need for Water Framework Directive Assessment Determination.

- 10.1.1. This appeal site relates to the established hotel complex of Keavan's Port, No.s 1 to 5 Camden Street Upper and No.s 49 to 51 Camden Street Lower. It is located on the western side of Camden Street circa 500m to the south west of St. Stephen's Green. The site is located c0.35km to the north of the Grand Canal waterbody which is a proposed Natural Heritage Areas: Grand Canal (Site Code: 002104)/Grand Canal Main Line (Liffey and Dublin Bay) and forms part of the Liffey and Dublin Bay Catchment 09 which is indicated as being in good status and under the WFD not at risk. The site is not indicated on the OPW flood maps as flood risk lands nor are there any historic flooding events indicated for this site as well as its setting.
- 10.1.2. The proposed development is set out under Section 2 of this report above.
- 10.1.3. No water deterioration concerns were raised in the planning appeal or by the Planning Authority subject to safeguards.
- 10.1.4. I have assessed this residential scheme for this subject appeal site and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good

ecological status), and to prevent deterioration. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.1.5. The reason for this conclusion is as follows:

- The modest nature, extent, and scope of works on this brownfield serviced site.
- The location of the site relative to the nearest water body which is the Grand Canal and the nature of the serviced developed intervening urban landscape together with the lack of hydrological connections to it.
- The site's remoteness from any water body identified as being at risk under WFD.
- The use of standard measures that accord with best practice during demolition, site clearance, excavation, general construction works through to operation.

10.1.6. Conclusion: I conclude that based on objective information, that the proposed development will not result in a risk of deterioration on any water body including but not limited to the Grand Canal either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that permission is GRANTED.

12.0 Reasons and Considerations

12.1. Having regard to the need to reduce the noise impacts arising from the use of the southern courtyard as part of the commercial operations of Keavan's Port Hotel, a use that has been permitted under ABP PL29S.247635 (P.A. Ref. No. 2045/16) and P.A. Ref. No. 3351/20, subject to safeguards, in the interest of amenity and having regard to the overall design of the acoustic measures proposed under this application, it is

considered that the proposed development would significantly reduce noise levels emanating from patrons using the revised southern courtyard particularly beyond its southern side site boundary, it would positively impact on the residential amenities of adjoining properties, it would not compromise the special character of Protected Structures on site or in its vicinity, it would be acceptable in terms of built and visual impact in terms of the Red-Hatched Conservation Area it forms part of and it would be an acceptable form of development on 'Key Urban Villages and Urban Villages – Zone Z4' zoned lands under the Dublin City Development Plan, 2022-2028. With hotel, public house and restaurant land uses all deemed to be permissible on 'Z4' land, subject to safeguards. It is therefore considered that the proposed development would accord with the proper planning and sustainable development of the area.

13.0 Conditions

1. (a) This permission relates solely to the provision of the proposed construction of a partially enclosed pavilion area with an acoustic glass screen, the construction of an acoustic glazed low level structural wall and frame, the construction of two number external canopies within the proposed uncovered patron smoking area, the restriction of use by patrons of the hotel of the area to the south of the enclosed pavilion area and to the north of the courtyard boundary with No. 6 Camden Street Upper.
- (b) Apart from the amendments authorised in this permission, the development shall comply in full with the terms and conditions attached to planning permission ABP PL29S.247635 and P.A. Ref. No. 3351/20 as well as the conditions of set out in this Order.
- (c) This permission shall be for a period of 2 years from the date of this Order. After this time, the acoustic measures shall be subject to assessment of their effectiveness in ensuring the use of the southern courtyard by patrons is in compliance with the specific noise conditions contained in ABP PL29S.247635 and as amended by P.A. Ref. No. 3351/20 permission unless retention permission has been obtained.

Reason: In the interest of clarity, in the interests of orderly planning and to allow for a review of the development having regard to the circumstances then pertaining in the interest of residential amenity.

2. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

3. An updated final operational management plan shall be provided. This scheme shall provide adequate measures relating to the future operations, management and maintenance of the southern courtyard as revised under this application. It shall also include:
 - (a) Management responsibilities during its use by patrons.
 - (b) Measures to control undue noise nuisance when they arise.
 - (c) Written clarification that the maximum occupancy capacity of the revised southern courtyard is 75 persons in total, with this occupancy relating to the use of both the customer pavilion canopy structure and the open courtyard to the north of it. Any deviation from this that results in increased occupancy of the permitted patron's spaces under this application or use of the Ornament Garden by patrons of the hotel shall be first subject to a separate grant of permission.
 - (d) Written clarification supplemented with revised drawings showing that the seating and table capacity of the customer pavilion structure accords with and does not exceed that permitted under P.A. Ref. No. 3351/20.
 - (e) The revised accessible patron spaces permitted under this application, i.e. the customer pavilion structure and the courtyard to the north shall be

restricted to use by patrons of the hotel, its public house and restaurant during the hours of 10am to 11pm every day.

- (f) Clarity shall be provided on the level of access by staff of the hotel to the Ornament Garden as well as maintenance arrangements for it. In this regard the Ornament Garden shall only be accessible during the hours of 10am to 7pm every day. Additionally, clarity on operational management measures shall be provided for this space in terms of limiting noise during these hours by staff and in terms of its maintenance.
- (g) Clarity on how the landscape features will be managed and sustained.
- (h) Clarity on measures to ensure that doors and openings from the public floor area that open directly onto the permitted revised patron accessible areas in the southern courtyard are tightly fitting, self-closing and double glazed.

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

Reason: In the interests of residential amenity.

4. The proposed development shall be amended as follows:

- (a) Clarity shall be provided that all glazing proposed in the design of the acoustic physical measures proposed shall not give rise to undue solar glare or overspill beyond the site boundary.
- (b) Measures shall be provided to prevent bird strikes on the large expanse of glazing in the acoustic screen mounted onto the customer pavilion structure and the southern acoustic glazed wall of the customer pavilion structure.
- (c) Clarity shall be provided on the final design of proposed landscape planters. In this regard they should not be designed as additional seating and dining features.
- (d) Design measures to capture surface water runoff for use in the maintenance of the proposed landscaping scheme.

- (e) Clarity shall be provided on any additional lighting arising from the revised design of the southern courtyard, including any lighting associated with the customer pavilion structure and acoustic screen wall over.

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

Reason: In the interests of orderly planning.

5. (a) Noise resulting from use of the southern courtyard area arising from the commercial use of the hotel, its public house and restaurant affecting nearby noise sensitive locations shall not exceed the background level by 10 dB(A) or more or exceed EPAs NG4 (Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities) limits whichever is lesser (as measured from the facade of the nearest Noise sensitive locations).

In this regard:

- Daytime (0700-1900) 55 dB LAr, T (rated noise level, equal to LAeq during a specified time interval *EPA NG4).
- Evening (1900- 2300)- 50 dB LAr, T.
- Night-time (2300- 0700)- 45 dB LAr, T.

As measured from the facade of the nearest noise sensitive location. Clearly audible and impulsive tones at noise sensitive locations during the evening and night shall be avoided irrespective of the noise level. Prior to the commencement of any development measures for measuring noise from noise sensitive location receptors in the vicinity of the revised southern courtyard shall be agreed in writing.

(b) There shall be no outbreak of amplified music from any activities, at nearby noise sensitive locations.

(c) Prior to the operation of the courtyard all noise mitigation measures specified in the plans and the noise impact assessment shall be constructed and completed in accordance with the proposed scheme.

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

6. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

7. The following requirements of the Planning Authority's Engineering Department, Drainage Division, shall be strictly adhered to:

- (a) Drainage Planning, Policy and Development Control Section (DPPDC) has no objection to this development, subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

- (b) The developer shall submit a surface water management plan, including drawings and a report, to the planning authority for written approval. These plans shall be submitted prior to the commencement of development, and drainage works shall not commence prior to the issuing of such written approval.

Reason: In the interest of the proper planning and development of the area.

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

- (a) A full specification, including details of material and methods, to ensure the development is carried out in accordance with the document: "Architectural Heritage Protection – Guidelines for Planning Authorities" (Department of Arts, Heritage, and the Gaeltacht, 2011).

- (b) The development will be monitored by a suitably qualified architect with conservation expertise and accreditation.

- (c) Competent site supervision, project management and crafts personnel will be engaged, suitably qualified, and experienced in conservation works to and in the proximity to the Protected Structures and their associated surviving period boundary feature that bound the subject courtyard.

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

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

10. The developer shall pay to the planning authority a financial contribution in respect of the 'LUAS Cross City Scheme' in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details

of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Advisory Note: *The applicant is advised that Section 34(13) of the Planning and Development Act, 2000, as amended, states that 'A person shall not be entitled solely by reason of a permission under this section to carry out any development' and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property.*

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.

Patricia M. Young
Planning Inspector

30th day of June 2025.

14.0 Form 1 - EIA Pre-Screening

Case Reference	ABP-322054-25
Proposed Development Summary	Construction of a partially enclosed pavilion area with an acoustic glass screen. Construction of an acoustic glazed low-level structural wall and frame. Construction of 2 No. external canopies with an uncovered patron smoking area. A green roof system above the pavilion, including acoustic glass skylights together with all associated works. Of note No.s 1, 2, 3, 4 and 5 Camden Street Upper and No.s 50 and 51 Camden Street Lower are each designated Protected Structures under Volume 4 – the Record of Protected Structures contained in the Dublin City Development Plan, 2022-2028, with the Keavan's Port Hotel site also including No. 49 Camden Street Lower.
Development Address	On lands at Keavan's Port, No.s 1-5 Camden Street Upper and No.s 49-51 Camden Street Lower, Dublin 2.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here.
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed	

road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	N/A
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	N/A
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	<i>Class 10 - Infrastructure Projects – subsection (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</i> <i>Preliminary examination required. (Form 2)</i>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: 30th day of June, 2025.

15.0 Form 2 - EIA Preliminary Examination

Case Reference	ABP-322054-25
Proposed Development Summary	<p>PROTECTED STRUCTURE:</p> <p>Construction of a partially enclosed pavilion area with an acoustic glass screen. Construction of an acoustic glazed low-level structural wall and frame. Construction of 2 No. external canopies with an uncovered patron smoking area. A green roof system above the pavilion, including acoustic glass skylights together with all associated works. Of note No.s 1, 2, 3, 4 and 5 Camden Street Upper and No.s 50 and 51 Camden Street Lower are each designated Protected Structures under Volume 4 – the Record of Protected Structures contained in the Dublin City Development Plan, 2022-2028.</p>
Development Address	On lands at Keavan's Port, No.s 1-5 Camden Street Upper and No.s 49-51 Camden Street Lower, Dublin 2.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</p> <p><i>This appeal site (Note: 2,560m² area) relates to the Keavan's Port Hotel which includes ancillary public house and restaurant land uses that in part operate from the Protected Structures of No.s 1 to 5 Camden Street Upper and No. 50 to 51 Camden Street Lower as well as from a glazed atrium link to the rear of No. 49 Camden Street Lower and a modern hotel block to the rear of these historic buildings with this later building fronting onto Grantham Place, a residential in character laneway that historically functioned as a mews/service lane.</i></p>

	<p><i>The surrounding area is characterised by a mix of land uses, commercial, retail through to residential typically found in key urban village/urban village 'Z4' zoned lands under the Dublin City Development Plan, 2022-2028.</i></p> <p><i>The site is established and has a commercial land use function.</i></p> <p><i>During the construction phase the proposed development will create demolition waste.</i></p> <p><i>No significant waste, emissions or pollutants would arise during the operational phase due to the nature, extent and scale of the proposed development which primarily seeks to provide physical and operational measures to ensure compliance with relevant grants of permission relating to the hotel development so as to ensure that the courtyard, when in use, does not give rise to any serious diminishment of amenity to properties in its vicinity, in particular those with an established residential function.</i></p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural, or archaeological significance).</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed.</p> <p><i>The proposed development is not exceptional in the context of its existing environment. The site is also zoned 'Z4 – Key Urban Villages and Urban Villages' which has a stated objective of providing for and improving mixed-services facilities under the Dublin City Development Plan, 2022-2028, with the courtyard forming part of the design and layout of the permitted hotel development on this site.</i></p> <p><i>The site is remote from the nearest Natura 2000 sites. As stated in the assessment above the site lies 3.5km to the west of Special Area of Conservation: South Dublin Bay (Site Code: 000210) and Special Protection Areas: South Dublin Bay and River Tolka Estuary (Site Code: 004024) as the bird would fly.</i></p> <p><i>The proposed development relates to a site which contains a collection of Georgian terrace properties and a period chapel building, with No.s 1 to 5 Camden Street Upper and No.s 50 and 51</i></p>

	<p><i>Camden Street Lower, designated Protected Structures under the Record of Protected Structures set out under Volume 4 of the said Development Plan. These buildings are also listed in the NIAH. With the Georgian period terrace properties to the north and south that front onto Camden Street Upper and Lower also similarly designated and listed.</i></p> <p><i>Additionally, theses surviving buildings as well as part of the lands to the rear of them, with this including the subject courtyard forming part of a red hatched conservation area.</i></p> <p><i>As such the site and its setting is from a built heritage perspective highly sensitive to change; however, the works would result in minimal impact to the protection of their special character and their setting through to the physical built structures and interventions are reversible in a manner that is consistent with best practice as provided for under the Architectural Heritage Protection Guidelines.</i></p> <p><i>There is no evidence of any protected species flora and/or fauna with the works relating to recently constructed and laid out courtyard that as said forms part of the Keavan's Port Hotel premises.</i></p> <p><i>Owing to the established, serviced, and urban nature of the site as well as character of the surrounding area, which is a vibrant mixed use and busy radial route into the south side of Dublin's historic city centre, I do not consider there is potential for significant cumulative impacts.</i></p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects, and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p><i>The application site is not within, or immediately adjoining, any protected area(s). There are no significant waterbodies on the site and are no hydrological links between the subject site; any European designated site; and the nearest proposed Natural Heritage Area which as indicated above is the Grand Canal.</i></p>

		<p><i>Therefore, there would be no potential for significant ecological impacts because of the proposed development. The site is located within a serviced, urban area.</i></p> <p><i>I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area given the nature of the development, the attributes of the site and its setting.</i></p>
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	
There is no real likelihood of significant effects on the environment.	EIA is not required.	

Inspector: _____ **Date:** 30th day of June, 2025.

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)