



An
Coimisiún
Pleanála

Inspector's Report

ACP-324110-26

Development	Section 254 Street Furniture Licence application for 2 no. tables and 6 no. chairs in screened area measuring 7 sqm on footpath.
Location	9 Camden Street Lower, Dublin 2.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	SF 533
Applicant	Camden Bites & Brews.
Type of Application	Renewal of Section 254 Street Furniture Licence.
Planning Authority Decision	To grant Licence.
Type of Appeal	First Party.
Appellant	Paul Clinton.
Observers	None
Date of Site Inspections	28 th April 2026 and 3 rd May 2026 (evening)
Inspector	Michael Walsh.

1.0 Site Location and Description

- 1.1. Camden Street is part of a major arterial route which follows a southward course from the City Centre and continues on into Lower Rathmines Road. It carries a high volume of vehicular, pedestrian and cycle traffic. It is also traversed by several bus routes and is close to Harcourt Luas stop.
- 1.2. Camden Street is fronted predominantly by a mix of commercial premises. These include retail premises, public houses, restaurants, hotels and some charity shops. In so far as many of these uses are orientated to entertainment and leisure activities, the street in general experiences an intensive degree of activity which appears to continue late into the evening and early morning hours.
- 1.3. The premises involved in this appeal is located on the eastern side of the street, close by other premises having bar and restaurant uses. One of these, three doors away, now known as *Flannery's*, is also the subject of a current appeal (ACP-324111-26). The subject premises has a narrow frontage but extends back some distance, there being an open area at the back. The primary use of the premises appears to be as a public house. At the time of my first inspection there were no screens in place but there were two tables with stools as indicated.
- 1.4. Referring to adjoining areas, Harcourt Street follows a course close to and roughly parallel with Camden Street. It is fronted by Georgian houses, having mixed uses, including some orientated to entertainment. On the other side there are several streets west of Pleasants Place, with residential use being predominant. Much of the area between Pleasants Place and Synge Street is in the area zoned Z2, described as "Residential Neighbourhoods (Conservation Areas)."

2.0 Proposed Development

- 2.1. The full description of the development is as follows:
2 no. tables and 6 no. chairs in a screened area measuring 7 sqm on the public footpath outside no. 9 Camden Street Lower. The footpath at this location is approx. 7.5m. There is existing street furniture on the footpath, including bicycle stands, which reduces the usable footpath width to approx. 6m. The proposed street furniture is approx. 1.5m in width, thereby reducing the usable footpath width to approx. 4.5m. Having regard to the surrounding environment, it is considered that street furniture at this location would not cause an obstruction.

3.0 **Planning Authority Decision**

3.1. **Decision**

The decision in this case comprised the granting of the renewal of a licence to place 2 tables and 6 chairs on an area of the footpath outside Camden Bites & Brews.

3.1.1. Conditions

The applicable conditions are expressed as general conditions for the placing of tables and chairs outside hotels, restaurants, public houses or other establishments where food is sold for consumption on the premises. The condition of particular concern in this case is no. 30, the substance of which is as follows:

Street furniture may only be placed on the street between the times specified on the licence and must be removed outside these hours. If any street furniture is in place outside of permitted hours the licence will be rescinded and furniture will be removed at the licence holder's expense.

The daily hours of the Licence are stated to be from 10.00hrs to 22.00hrs.

3.2. **Planning Authority Reports**

The documentation furnished by the Planning Authority does not include any planning or other technical reports.

3.3. **Prescribed Bodies**

There are no observations from any prescribed bodies.

3.4. **Third Party Observations**

Observations on behalf of the West of Camden Residents Association have been received by the Planning Authority. The substance of these is as set out below.

- 3.4.1 The aim of the group is to formalise dialogue with the Street Furniture Unit and to address the wider pattern of issues on Camden Street in the context of planning, licensing and noise concerns. Over recent years there has been a marked shift with many pubs being part of large groups or chains. Many of these are named. The lived experience of residents is that street furniture breaches cannot be separated from wider problems, including planning breaches, noise nuisance and queueing. The Association has undertaken a review of relevant planning permissions, street furniture permissions and commitments by operators and are simply asking for basic compliance with street furniture and other obligations, on the same basis as compliance with age restrictions.

- 3.4.2 The Association has written to all pubs on Camden Street, seeking voluntary compliance with their existing legal obligations and propose to raise breaches as part of submissions at upcoming licence reviews. They also request that enforcement files be opened in relation to six named premises. These include the premises which is the subject of this appeal and the premises which is the subject of the appeal in the case of ACP-324111-26. They ask that pubs be required to remove street furniture if not licensed and that the Street Furniture Unit ensure compliance with permitted times.
- 3.4.3 In a follow-up submission and having regard to the absence of any response to the first submission, the Association state that neighbours have no option but to challenge licences in the District Court. Such action places stress on the Courts, An Garda Síochána and the Street Furniture team and should not have to happen. The premises identified are stated to be parts of chains, venture capital funds or large pub groups and they also have substantial private outdoor areas available to them.
- 3.4.4 The position of the Association is that they are not asking for special favours or for anything outside of the law but are simply asking Dublin City Council to enforce their own 10pm rule as they enforce other uses of the public realm.

4.0 **Planning History**

- 4.1. I would refer to a current appeal relating to a nearby premises and to a premises on the opposite side of the street where an appeal was decided.

ACP-324111-26 (PA Ref: SF 497)

Current appeal relating to Street Furniture Licence application for external tables and chairs at the Vintage Bar, 6 Camden Street Lower, Dublin 2.

ABP-318201-23 (PA Ref: SF 569)

Direction to refuse to grant a licence for five barrels and 20 seats outside Devitt's Public House, 74 Lower Camden Street and Pleasants Street, Dublin 2.

5.0 Policy Context

5.1. Development Plan

5.1.1 The site is in an area with the Z4 Zoning Objective, designated as Key Urban Villages / Urban Villages. The applicable objective is, “to provide for and improve mixed-services facilities.”

5.1.2 Policy CCUV32 (outdoor dining) is applicable. This states that “Proposals for outdoor dining extending on to the street will be supported where they would not harm local amenity or compromise pedestrian movement, accessibility needs or traffic conditions”.

5.1.3 Policy CCUV35 (night time economy) might be noted. This essentially is expressed as supporting and facilitating evening / night time economic uses that contribute to the vitality of the city centre.

5.1.4 Section 15.17.4 refers to Outdoor Seating and Street Furniture. It states the following: “Certain uses in the public realm, including elements of street furniture, can lead to problems of visual clutter and to obstruction of public footpaths for pedestrians, in particular people with disabilities.” and that “It is an objective of Dublin City Council to control the location and quality of these structures in the interests of creating a high-quality public domain.”

5.2. Natural Heritage Designations

The closest European sites are the South Dublin Bay SAC (Site Code: 0000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024). These sites, which overlap to a significant degree, are located well clear of the subject site.

6.0 EIA Screening

6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises. Refer to Form 1 in Appendix 1 of this report.

7.0 The Appeal

7.1. Grounds of Appeal

The letter of appeal refers initially to Condition 30 attached to the licence and requests that it be reviewed and amended for specified reasons. The substance of these is as follows.

- 7.1.1 The premises has operated until 1.30am (Sunday - Wednesday) and 2.30am (Thursday - Saturday) for approximately 10 years, forming part of the long-standing entertainment and hospitality area of Camden Street. The retention of the outdoor furniture is consistent with the established land-use patterns of the street.
- 7.1.2 The outdoor seating contributes positively to customer comfort and experience and reduces pressure on indoor space during busy evening and nighttime periods. This amenity aligns with good hospitality practice.
- 7.1.3 Given the occurrence of the peak period late at night, the dismantling of the outdoor furniture during operating hours would be disruptive to customers and potentially unsafe for staff and the public.
- 7.1.4 The screens provide a clear boundary to the licensed area, a defined queueing space, \ defined area for pre-entry checks, a controlled environment for maintaining order and enhance passive surveillance of the immediate streetscape.
- 7.1.5 The retention of well-managed and visually attractive street furniture contributes positively to street vitality, passive surveillance and the appeal of Camden Street as an evening destination. This is consistent with the Council's promotion of a vibrant and sustainable night-time economy.
- 7.1.6 The premises has operated its night-time outdoor with the awareness of An Garda Síochána and the practice of outdoor furniture and screens remaining in place until closing has operated successfully.
- 7.1.7 There is an established precedent for the amendment by the Commission of conditions requiring removal of street furniture during operating hours in the case of Major Toms, South King Street.

7.2. **Planning Authority Response**

No response to the appeal has been received from the Planning Authority.

7.3. **Observations**

No observations have been made to the Commission.

8.0 **Assessment**

8.1. Matters for Consideration

8.1.1 This appeal has arisen from the legislation governing the granting of licences for certain items being placed on a public road as provided for in Section 254(6) of the Planning and Development Act 2000, as amended. The items in question comprise screens, tables and chairs. These items have been licensed for some ten years, the licence having been renewed at frequent intervals.

8.1.2 This appeal is expressed as being against a condition imposed in the current licence application which specifies the permitted hours within which the items in question may be kept on the road in front of the premises. The statement of the permitted hours arises from Condition 30 of the list of general conditions for the placing of chairs and tables outside certain establishments where food is sold for consumption on the premises. This condition is as follows:

Street furniture may only be placed on the street between the times specified on the licence and must be removed outside these hours. If any street furniture is in place outside of permitted hours the licence will be rescinded and furniture will be removed at the licence holder's expense.

8.1.3 Referring to the details of the permitted hours, these are specified in the licence as being from 10.00hrs to 22.00hrs. It can reasonably be inferred that the concern is with the 22.00hrs night-time limitation. It is requested in the statement of the grounds appeal that the condition in question be reviewed and amended.

8.1.4 Arising from the position expressed in the grounds I consider that it would be appropriate for further consideration of this appeal to be confined to this condition and its associated planning implications. In this regard the Commission can direct the Planning Authority to retain, amend or delete the condition.

8.2 Patterns of Use and Sensitivity of Area

- 8.2.1 Camden Street, and to a lesser extent Wexford Street, stand out as a linear corridor containing a broad mix of entertainment and night-time uses, though it also has other commercial uses, retail uses and charity shops. At the same time, it is a major arterial route carrying high volumes of traffic along with a wide range of bus routes. This pattern of uses is reflected in the Z4 zoning of the Camden Street corridor (Urban Villages).
- 8.2.2 Noting that Policy CCUV35 expresses support for evening / night-time economic uses that contribute to the vitality of the city centre, the pattern of uses on Camden Street appears to be compatible with this policy. In practice the pattern of night-time uses includes people moving into and out of premises up and down the street, all in great numbers. Many of the late-night uses on Camden Street provide for screened areas on the footpaths with tables and chairs for customers. All of these activities contribute to a high level of activity and noise, continuing well into night-time hours.
- 8.2.3 There is in any case a significant component of residential uses in the broader area, though not so much along Camden Street. The Z4 zone is limited in extent and, beyond Pleasants Lane, there is a network of residential streets in the adjoining Z1 and Z2 zones. The group who submitted observations to the Planning Authority, the West of Camden Residents Association, are apparently based in this general area. Accepting the nature of established uses along Camden Street, it might be inferred that there would be a sensitivity for residents to intensive activity very late in the evening.
- 8.2.4 The Residents Association have also put some stress on the issue of widespread non-compliance with the licensing legislation, which presumably puts additional pressure on the amenities of residents in the wider area. Enforcement of this legislation is a function of Dublin City Council and it is not feasible for the Commission to determine whether street furniture outside any particular premises is fully compliant with the respective licence.
- 8.2.5 A related point made by the Residents Association is that most of the pubs are part of large chains, not small family-run establishments but well-resourced operators. Several have been named. They include a recently developed hotel and bar and also a variety of large and smaller long-established bars, restaurants and entertainment venues.

8.3 Use of Subject Premises

8.3.1 Bites & Brews appears to be primarily a pub which appears to provide some meals. It has a narrow frontage but extends back some distance. The footpath in front is quite wide so that there is no issue about obstruction of pedestrian movement along the street. The space occupied by the tables is also quite limited. Significant points made in the appeal include disruption arising from movement of bulky items during peak hours and the need to facilitate orderly queueing and security checks.

8.4 Appropriate Time for Removal of Outdoor Furniture

8.4.1 I would comment initially that it appears to be a reasonable approach to specify a limit to the time in the evening by which time the items of street furniture have to be removed. The selection of 10.00pm as the hour for removal of street furniture would seem reasonable in many locations. In the case of Camden Street, however, this is a relatively early hour in the context of use patterns on this street. The situation essentially is that 10.00pm is essentially a peak hour here, particularly at weekends.

8.4.2 The case made for an extension has regard to a licence extension to 2.30am on the nights of Thursdays, Fridays and Saturdays. I accept that a reasonable case has been made for some relaxation of the evening time limit on the basis of consideration of the operational problems pointed out in the appeal. An extension through to 2.30am would, however, appear to be a radical departure from what might be inferred to be normal practice, even on a street with a concentration of night-time uses. It would be reasonable to assume that there would be some lessening of crowds later in the evening and into the small hours. Furthermore, the sensitivity of other uses to late night activity might be somewhat greater in the later hours.

8.4.3 There have been appeals relating to decisions on planning applications and licence applications on this street and other streets in the city centre and some suburban areas. It is difficult to come to any definite conclusion on patterns of decisions. Situations on other streets can depend on the circumstances of the particular street and issues of possible obstruction of pedestrian movement can arise. In the current case that issue does not arise. One particular case referred to as a precedent is that of Major Toms on South King Street. There is no record available of any decision by the Commission in this case. Furthermore, this facility is no longer in existence.

8.4.4 On the basis of the basic pattern of uses on Camden Street and the requirements of users, including issues of management and security, and also likely effects on the broader community, I am of the view that the limit of 10.00pm is unnecessarily restrictive in the current situation but, at the same time, I do not consider that there is a substantive case for a limit of 2.30am. Taking these considerations into account, I consider that a limit of midnight is as late as might be permitted.

9.0 **AA Screening**

I have considered this development proposal in the light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having considered the nature, scale and location of the project, I conclude that the proposed development would not have a likely significant effect on any European Site, either alone or in combination with other plans or projects.

10.0 **Water Framework Directive**

- 10.1. The site is located in a long-developed location relatively close to the City Centre. The development in question is effectively an adaptation of the existing uses on this property and is unlikely to have material implications for water usage on the property.
- 10.2. I have assessed the development and considered the Objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground 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 bodies either qualitatively or quantitatively.
- 10.3. The reason for this conclusion is that the works are on a small scale, that they would have little effect on water consumption patterns, that there is a lack of hydrological connections to nearest water bodies and that piped sanitary services are available on the property in question.

11.0 Recommendation

I take the view, having regard to the nature of the condition being appealed against, that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted. Arising from that, I recommend that the condition in question be reworded as set out in the next section of this report.

12.0 Condition

Street furniture may only be placed on the street between the hours of 10.00am and 12,00am (midnight) and must be removed outside these hours. If any street furniture is in place outside of permitted hours the licence will be rescinded and furniture will be removed at the licence holder's expense.

Reason for Condition: To enable the development for which the licence is being sought, having regard to existing patterns of uses on Camden Street, to be operated in a safe and satisfactory manner, while ensuring that the amenities of property in the general vicinity would not be seriously injured.

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.

Michael Walsh
Planning Inspector

12th May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	ACP-324110-26
Proposed Development Summary	Section 254 Street Furniture Licence application for 2 no. tables and 6 no. chairs in screened area measuring 7 sqm on footpath
Development Address	9 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 Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
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	
<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 checked="" 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.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	
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: Michael Walsh

Date: 12th May 2026