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An Bord Pleanála
64 Marlborough St,
Rotunda,
Dublin 1
D01 V902

15th October 2018

**RE: Dublin City Council Section 5
Application No. 0338/18**

Decision Date 24th September 2018.

Decision Order No. P4016

**EXPP: Use of part of approved building space for exhibition and museum known as
Bram Stoker Castel Dracula.**

**Applicant : Templeville Development Ltd.
Leopardstown Racecourse, Foxrock, Dublin 18**

AN BORD PLEANÁLA	
LDG-	809436-18
ABP-	
19 OCT 2018	
Fee: €	220
Type:	CHEQ
Time:	
By:	POST

Dear Sir/Madam,

We have been instructed by our client Templeville Developments Ltd., to refer the declaration of Dublin City Council for review by An Bord Pleanála. We attach a copy of the notification of declaration by Dublin City Council dated 24th September 2018.

The existing site is part of a larger complex known as West Wood Club located in Clontarf next to Clontarf DART station at the north end of Fairview Park. The overall complex has a building area of 8,800 square metres on site of c.16,450 square metres with facilities including a 50m swimming pool, indoor tennis courts, multi fitness gymnasium, climbing wall, children's play area, training studios, changing rooms and spa areas. Planning permission was granted for a leisure centre in 1998 by Dublin Corporation, ref 2791/97.

A Section 5 application was submitted to Dublin City Council (DCC) on 28th August 2018 to request a declaration that the use of part of the overall approved space can be used for a cultural and recreational use, known as Bram Stoker Museum, is or is not development and is or is not exempted development.

npleville Developments Ltd are fully aware of the extensive planning history associated with the site as set out in the planners report dated 24th September 2018. However they would like to make reference to the retention application Reg Ref No. 6467/07 and the subsequent ABP Ref PL29N.228142 relating to the above which formed part of larger application for retention which included the ancillary use of 'Bar Code' for the sale of intoxicating liquor and all associated access arrangements with same, including the Bram Stoker Museum. The use of 'Bar Code' and all associated connections with same has ceased since 2010, access to the Bram Stoker Museum form a separate entrance to the rear of the Leisure Club, refer to drawing 275-P02, (A3 copy attached to this referral.

Consideration should be made to the historical importance of the Bram Stoker Dracula Experience located within West Wood Club on Clontarf Road. Directly across from Mario Crescent where Bram Stoker lived in No.15 exclusively in one top floor room facing where West Wood stands now, for the first 7yrs of his life. His wife Florence Balcombe, former girlfriend of Oscar Wilde, also lived on Marino Crescent, the crescent arcs around a small park called the Bram Stoker Park.

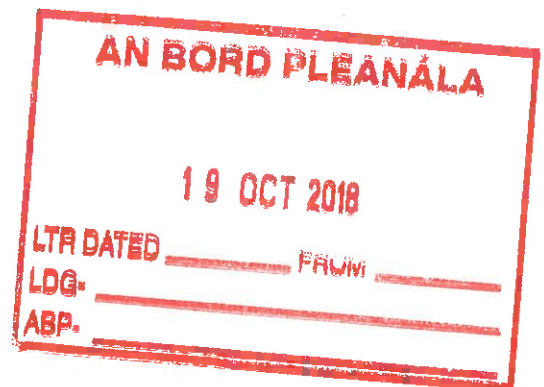
We trust you will give due consideration to the above and we enclose the following for reference;

1. Dublin City Council declaration Ref: 0338/18.
2. DCC report on declaration dated 24th September 2018.
3. A3 copy set of drawings submitted with declaration (note A1 originals with DCC file)

We enclose a fee for €220, we trust you have sufficient information in relation to this development and we look forward to hearing from you in due course.



Kieron Flood
Arch Tech. Dip PM. RIAI (Tech)





25th September 2018

KBAD Architects & Designers
2 Ridgeway Villas
Kilmainham Lane
Dublin 8



Application Number	0338/18
Application Type	Section 5
Registration Date	28-Aug-2018
Decision Date	24-Sep-2018
Decision Order Number	P4016
Location	West Wood Club, Clontarf, Dublin 3
Proposal	EXPP: Use of part of approved building space for exhibition and museum known as Bram Stoker Castle Dracula.
Applicant Details	Templeville Developments Ltd.

NOTIFICATION OF DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

In pursuance of its functions under the Planning & Development Acts 2000 (as amended), Dublin City Council has, by order dated 24-Sep-2018, decided to issue a Declaration that the proposed development is NOT EXEMPT from the requirement to obtain planning permission under Section 32 of the Planning & Development Act 2000 (as amended).

Signed on behalf of Dublin City Council

DMIE O'LEARY
For Assistant Chief Executive

Note:

Any person issued with a declaration on development and exempted development, may on payment of the prescribed fee, refer a declaration for review by An Bord Pleanála within four weeks of the date of the issuing of the declaration.

Dublin City Council
Declaration on Development and Exempted Development
Section 5 of the Planning and Development Act 2000

AN BORD PLEANÁLA

EXPP: 0338/18
Location: 11, Oakley Park, Clontarf, Dublin 3
Applicant: Templeville Developments Ltd.
Date Received: 28 August 2018
Decision Due Date: 24 September 2018

19 OCT 2018

LTR DATED _____ FROM _____

Description of development: EXPP: Use of part of approved building space for exhibition and museum known as Bram Stoker Castle Dracula.

LDG
ABP-

Development

The applicant requests a declaration on whether:

Use of part of approved building space for exhibition and museum known as Bram Stoker Castle Dracula.

is or is not development, and is or is not exempted development.

Site Description

The site in question is part of a large building known as the West Wood gym in Clontarf, located at the north-east end of Fairview Park, just north of the DART line. This complex includes a 50 metre swimming pool, covered tennis courts, a climbing wall, an indoor running track, gymnasium facilities (rooms for machines and for classes), and attendant facilities including juice bar, changing rooms, showers, etc. The *Bram Stoker Castle Dracula Museum* is accessed via a doorway in the south elevation, between the tennis court block and the swimming pool block. This leads via a considerable length of corridor on both ground and first floor levels to the attraction, which is located at the south-east end of the indoor tennis courts block. The information submitted indicates the area in question, the subject of this request for a declaration, is approximately 300 sqm on the first floor, and approximately 100 sqm on the second floor, with circulation space (corridor and staircase) on the ground floor. The built complex as a whole has over 8000 sqm of accommodation.

Site Zoning

The site is zoned Z9 in the 2016-2022 Dublin City Development Plan, with the objective 'To preserve, provide and improve recreational amenity and open space and green networks.' There are no specific objectives in the Development Plan or in any Local Area Plan, designating the site as an area of archaeological, geological, historical, scientific or ecological interest. The site is not a protected structure or national monument.

Planning History

There is extensive planning history on the site. Reg ref no 6466/07, ABP Ref PL29N.228143 is of particular relevance, and this is referred to further in the assessment. A full planning history is appended.

Relevant Legislation

In order to assess whether or not the use of the building for the Bram Stoker Museum is exempted development, regard must be had to the following legislation –

Planning and Development Act, 2000, as amended, including *inter alia* Section 2, 3, 4, and Planning and Development Regulations 2001, as amended, including *inter alia* Article 6, Article 9, and Schedule 2 Part 1.

In the Planning and Development Act 2000, Section 3 (1) defines 'Development' as follows –

'Development means except where the context otherwise requires, the carrying out of any works on, over or under land or the making of any material change in the use of any structures or other land'.

In this instance, a declaration has been sought solely on the issue of the use of the building, not any works that may have taken place. Any works involved will nonetheless be considered in light of the restrictions of Article 10 of the Planning and Development Regulations 2001 (as amended).

Article 10 sets out the conditions in which a change of use does not require planning permission as follows:

10(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not –

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

(2) (a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.

Part 4 of Schedule 2 lists the various use classes, including *inter alia* Class 10 and Class 11.

CLASS 10

Use as—

- (a) an art gallery (but not for the sale or hire of works of art),
- (b) a museum,
- (c) a public library or public reading room,
- (d) a public hall,
- (e) an exhibition hall,
- (f) a social centre, community centre or non-residential club, but not as a dance hall or concert hall.

CLASS 11

Use as—

- (a) a theatre,
- (b) a cinema,
- (c) a concert hall,
- (d) a bingo hall,
- (e) a skating rink or gymnasium or for other indoor sports or recreation not involving the use of motor vehicles or firearms.

Appraisal

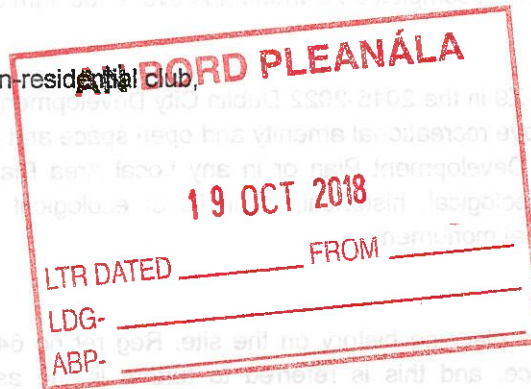
Submitted Drawings

Site Map.

Plans and elevations.

Report, with detailed description of the tour, and photographs.

Description of Proposal



The applicant has submitted a description of the use, and photographs of the interiors. In addition, as this is a pre-existing development proposed for retention, the website for the attraction (www.castledracula.ie) was consulted, as was the relevant page on www.tripadvisor.ie (both consulted on 21 September 2018). The website indicated that the attraction is currently closed for renovations, and that the minimum age for admission was 14 years old. The reviews confirmed many of the details in the description of use. Visitors are brought up to the attraction which is decorated in the manner of a haunted castle, and given a tour in character by a tour guide/actor. Various exhibits and portraits are on display. It is described in reviews as a light-hearted experience in the manner of a haunted house. Nonetheless, it would appear to fall under the category of museum. A museum falls under Use Class 10.

Permitted use

The parent permission (Reg Ref 2791/97) was for a sports and leisure centre. Seven indoor tennis courts were permitted as part of this permission. An application (Reg Ref 2415/99) to use a steel frame building to enclose these courts, rather than an air dome, was successful. This building was completed, and is largely occupied by these tennis courts. This falls into Use Class 11.

The permitted uses of the complex as a whole have been confirmed by the Board Decision on concurrent applications submitted in 2007. One of these applications (Reg Ref 6467/07 ABP Ref PL 29.228142) related to the use of part of the building as a licenced premises, known as Bar Code. The other application (no. 6466/07 ABP Ref PL 29.228143) was a 'catch-all' application for retention of various alterations and extensions to the building, and their then-existing uses. The areas proposed for retention included the upper floors occupied by the Bram Stoker Museum, and the first-floor corridor to the north-east façade of the tennis courts, which is used to access it.

The Board issued a split decision. Permission was granted to retain the health clinic, the climbing wall, additional offices over the crèche, and a Combined Heat and Power Plant and its associated portacabin and yard. Permission was refused to retain the other alterations and extensions, including that part of the structure which contains the Bram Stoker Museum, and the corridor leading to it.

Material Change of use

The change of use of part of an indoor tennis court to the use as the Bram Stoker Dracula Castle Museum as described is clearly a material one. A material change of use constitutes development, which requires planning permission unless it is exempted development.

As noted above, changes of use are permitted within Use Classes.

It is clear that the permitted use falls under Use Class 11. As Museum use would fall under Class 10, the use of the building as a museum as described would constitute a material change of use, and would not be exempted development under the relevant planning legislation.

Furthermore, it is worth noting that Article 10 states that changes of use within Use Classes are only permitted where they do not 'involve the carrying out of any works other than works which are exempted development'. The use as the Bram Stoker Museum did involve the carrying out of works, including the insertion of additional floorspace, and the addition of a first floor corridor required to access it. A full assessment of these works has not been undertaken as part of this report; suffice to say that an application was made for their retention, and retention permission was refused by An Bord Pleanála in 2008. It can be inferred that these works do require planning permission, and therefore no material change of use within Use Classes is exempted under Article 10, and the other provisions of the Planning and Development Act 2000 as amended, and the Planning and Development Regulations 2001 as amended.

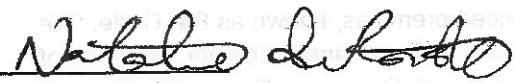
Recommendation

In response to the query on whether the use of part of the Westwood Club Sports and Leisure Centre as an exhibition and museum known as Bram Stoker Castle Dracula,

the following conclusions apply:

The change of use from the permitted use of indoor tennis courts to the use as exhibition and museum is a material change of use. Accordingly, this change of use constitutes development under Section 3(1) of the Planning and Development Act, 2000 (as amended), which is not exempted development either under this Act or the accompanying Planning and Development Regulations, 2001 (as amended).

The applicant should be advised accordingly.


Natalie de Róiste
Assistant Planner
24 September 2018

for Dec 25-9-18

AN BORD PLEANÁLA
19 OCT 2018
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

Planning History

1. Reg ref no .2791/97, ABP Ref 29N.105500:

A planning application was lodged on 5 November 1997 by Messrs T. P. Kennedy and Partners, agents for Westwood Club Ltd.

Proposal: Sports and Leisure Centre comprising leisure area, 50 metre pool, changing areas, childrens area, reception, health clinics, seven covered tennis courts, three outdoor tennis courts on lands adjoining Fairview Park and Dart Line at Clontarf Road, Dublin 3 and permission for 115 carpark spaces on lands adjoining Traffic School and Dart Line at Clontarf Road, Fairview, Dublin 3.

Decision to **grant permission** was made by Dublin Corporation on 23 December 1997, with 10 conditions, pertaining to building finishes and signage, car parking, hoarding licence, noise during construction, drainage, a wayleave for the water main traversing the site, the provision of a new signalised road junction, and the payment of development contributions of £136,500.

A first party **appeal** was submitted to An Bord Pleanála on 29 January 1998, against Condition 10 (regarding the development contributions) only. The Board granted permission on 21 May 1998 with a revised condition 10, reducing the development contribution to £65,700.

2. Reg ref no 2415/99:

A planning application was lodged on 27 July 1999 by Messrs ~~T. P. Kennedy and Partners, agents for~~ Westwood Club Ltd.

Proposal: alterations to existing planning permission for leisure centre and parking comprising replacement of air dome structure with steel frame sheeted building; modifications to existing elevations, omission of basement plant area to main building; extension of leisure area to perimeter of tennis dome, part first floor to children's area; amendment to access for parking adjoining CIE DART station; relocation of main entrance to elevation to Clontarf Road, on lands adjoining Fairview Park and DART Station.

Permission was **granted** by Dublin Corporation with three conditions. Condition 1 imposed the conditions of the earlier application; condition 2 omitted the revised vehicular entrance, and condition 3 pertained to materials and finishes.

There were **no appeals**. Final grant date was 23 December 1999.

3. Reg ref no 3221/01

A planning application was lodged on 31 October 2001 by Messrs T. P. Kennedy and Partners, agents for Templeville Developments.

Proposal: Two Car Parking structures, three storey with roof parking at the existing parking area adjoining the DART Station and a four storey structure with roof parking on the site of the existing Leisure Centre on the bank adjoining the DART line.

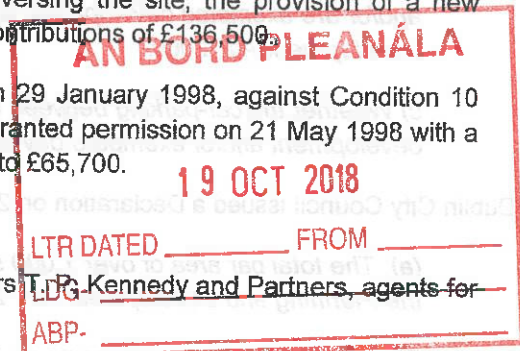
This application was **withdrawn** prior to decision.

4. Reg ref no 5736/03

A planning application was lodged on 3 December 2003 by Messrs T. P. Kennedy and Partners, agents for West Wood Club.

Retention Permission for a single storey security hut as built, replacing the existing security hut. This application was **withdrawn** prior to decision.

5. Reg ref no 3451/03, ABP ref 29N.RL2093



A **Section 5 Application** was lodged on 17 July 2003 by Peter Duff and Co, agents for West Wood Club. A Section 5 Application is not a planning application per se; it is a query whether something constitutes development and/or exempted development, ie, whether it requires planning permission. The following query was submitted:

- a) As to whether the use of that portion of the premises referred to as the 'leisure centre' (identified in a drawing to follow) for use as a leisure centre together with the ancillary use for the sale of intoxicating liquor amounts to development in the sense of being a material change of use from the permitted development on foot of planning permission REg. Ref. Nos. 2791/97 and 2415/99.
- b) Whether the signs attached to the building referring to 'Bar Code' amount to development and/or are exempted development within the meaning of Section 4(1)(h) of the Planning and Development Act, 2000.
- c) Whether the car-parking between the complex and the Clontarf Road boundary amounts to development and/or exempted development.

Dublin City Council issued a Declaration on 21 August 2003 as follows:

- (a) The total bar area of over 1,000 sq.m. is a separate use class under Part 2, Article 5 of the Planning and Development Act, 2000.

The use as a bar was not shown on the lodged plans applying for planning permission, Reg. Refs. 2791/97 and 2451/99 refer and was not indicated on the public notices. The change of use from leisure area to bar requires planning permission and is **not exempted development**.

- (b) The signs attached to the building are **not exempted development**, being over the permitted size set out in

Part 2, Class 1, Exempted Development - Advertisements, Planning & Development Regulations 2001. In addition, condition (3) of Reg. Ref. 2791/97 specifically excluded signs or advertisements being erected or displayed without a prior grant of planning permission.

- (c) The change of use from approved tennis courts to car parking is not exempted development as set out in the Planning & Development Regulations 2001 and requires planning permission. Tennis courts were shown on both planning applications, and mentioned in the public notice of 2791/97. Condition 1 of each permission required the development to be constructed in accordance with the lodged plans. Any change from tennis court use to car park use requires permission and is **not exempted development**.

The first party referred the decision for review to An Bord Pleanála 17 September 2003. The Board confirmed the declaration of the Local Authority by an order dated 30 January 2004, that the use and structures referred to were **development, and were not exempted development**.

6. Reg ref no 6466/07, ABP Ref PL29N.228143

A **retention** planning application was lodged on 7 December 2007 by CCH Architects, agents for Westwood Club Ltd.

Proposal: RETENTION of the following: alterations to Grant Of Permission nos. 2791/97 and 2415/99. i. South-East ward extension of 605 sq.m. (facing railway) of leisure centre portion of the clubhouse; plus corridors extending at ground and first floor on one side along south-eastern facade towards external "Barcode" doors, and on the other side at first floor along north-eastern facade above open storage area to Bram Stoker museum at ii. below. Extension includes ground floor

coldroom and yard areas; second floor gym extension; and two three-storey lift shafts. ii. **South-eastward extension of 1,044 sq.m. at first floor level with mezzanine above to the rear/east of the tennis court enclosure, for Bram Stoker museum ("Dracula Experience") with workshop area below on ground floor. Floor area including first floor offices and toilets.** iii. North westward extensions of 243 sq.m. (facing Fairview Park) for relocated lift shaft, for one-storey health clinic entrance lobby (with adjacent yard enclosure for CHP container), first floor corridor and second floor waiting area/store. iv. Offices and storage at second floor level above existing creche 117 sq.m. iii. Retractable awing to cover smoking area on south-east facade; iv. Alterations to approved elevations in conjunction with all of the above; v. Single-storey flat roofed security hut (32 sq.m.) east of main entrance off Clontarf Road; to supervise access to and egress from the Clubhouse, to house CCTV and alarm functions, and to control night-time access to the Barcode leisure centre so as to restrict occupancy to 1,300 maximum; vi. Illuminated signage as follows; - Fascia sign on second floor of the building, east facade, 646mm high by 7.35m long;- Fascia sign on ground floor of the building east facade, 675mm high by 2.70m long;- Parapet sign on second floor of the building, north facade, 1.5m high by 3.0m long;- Directional sign on ground floor north-east facade, 1.2m high by 1.5m long; - Fascia sign on second floor of the building, north facade, 1.8m high by 3.4m long; - Fascia sign on second floor of the building, north facade, 2.75m high by 5.07m long;- Fascia sign on first floor of the building, west facade, 970mm high by 15.74metres long;- Freestanding sign structures (2no.) west of Clontarf Road entrance gate, 6.3m high by 1.8 wide; - Freestanding sign structure east of Clontarf Road entrance gate, 8.61m high by 2.5m wide; vii. Use as car park for 110 cars of the site area on Clontarf Road side of the building previously approved as tennis courts; viii. Water feature near railway boundary, facing the service yard and smoking area; ix increase in roof level of part of Barcode Leisure Centre from one to three storeys to provide climbing wall; x A total of 15 Portakabins and metal shipping containers, all 2.5m wide, 2.6m high, as follows; a. No.1 12.2m long, east of the swimming pool, used for bar storage, with ancillary sorting area b. no.2 6.1m long, above no. 1, used for bar storage; c. no.3, 12.2m long, east of the Leisure Centre, used for general storage d. no. 4 12.2m long, on top of no. 3; used for paint storage and spraying; e. no. 5, 12.2m long, east of no. 4; used to store electrical items; f. no.6, 12.2 long, east of no. 5; used for bar storage; g. no.7, 12.2m long, 2 south of nos. 5 and 6 at north-west corner of the Bram Stoker Museum; used by maintenance staff; h. nos.8 to each 12.2m long, south of no. 7 and east of the Bram Stoker Museum; used to store building materials and equipment i. nos.13 and 14, each 12.2m long, west of the indoor tennis courts; used for storage of laundry and of gym equipment j. no. 15, 6.1m long, north-west of the 50 metre pool, to the house Combined Heat and Power (CHP) plant.

A **split decision** was made by Dublin Corporation on 7 February 2008. Retention permission was **granted for the health clinic facility and associated works, and the climbing wall, with 5 conditions.** These conditions included an exclusion on the sale or consumption of intoxicating liquor; noise controls during building works, the confirmation of the previous conditions; and a development contribution of £34,089. Permission was **refused for all other works and uses.**

A **first party appeal** was submitted to An Bord Pleanála on 5 March 2008, against the refusal, and Condition 5 (regarding the development contributions). The Board also issued a **split decision** on 12 September 2008, confirming the Local Authorities decision.

7. Reg ref no 6467/07, ABP Ref PL29N.228142 (concurrent with above)

A **retention** planning application was lodged on 7 December 2007 by CCH Architects, agents for Westwood Club Ltd.

Retention permission for the following alterations to grant of permission nos. 2791/97 and 2415/99:

A. South-eastward extension 51sqm plus 18sqm cloakroom (facing railway) of leisure centre "Bar Code" portion of the clubhouse, at ground floor level;

B. Adjacent extension of 109sqm for "Bar Code" cold room and covered/enclosed storage yard at ground floor level;

C. Retractable awning to cover "Bar Code" open air smoking area on south-east facade, facing the water feature;

D. Access corridor of 129sqm extending along south-eastern facade on ground floor to external "Bar Code" doors;

E. Alterations to approved elevation in conjunction with all of the above;

F. Single storey flat-roofed security hut (32sqm) to replace previous larger structure, east of main entrance off Clontarf Road; to supervise access to and access from the site, to house CCTV and alarm functions, and to control night time access to the Bar-Code leisure centre so as to restrict occupancy to 1,300 maximum;

G. Ancillary use for the sale of intoxicating liquor in "Bar Code", subject to maximum occupancy of 1,300 persons (of whom maximum 200 may be on first floor) in a gross floor area of 3,332sqm (was 3,046sqm in 2415/99); net floor area of 2,102sqm (was 2,225sqm in 2415/99); at ground and first floor levels between the swimming pool/spa/gym/changing areas to the east and the tennis courts building to the west.

H. 4no. metal shipping containers, all 2.5m wide, 2.6m height (107sqm total floor area) used for bar and general storage.

Permission was refused by DCC on 7 February 2008 for two reasons, relating to the use for the sale of intoxicating liquor. This was confirmed by the Board on 12 September 2008.

Enforcement History

There are a number of enforcement files on the site, noted below. None of these is specific to the Section 5.

E0516/02 Enforcement file opened 8 July 2002, re change of use to bar. File closed 27 November 2013, use ceased.

E1036/05 Enforcement file opened 6 December 2005, re unauthorised banner. File closed 18 October 2006, structure removed.

E0673/08 Enforcement file opened 26 June 2008, alleged that a car valeting /repair business operating from Carpark 2. File closed 22 October 2008, use ceased.

AN BORD PLEANÁLA

19 OCT 2018

LTR DATED _____ FROM _____

LDG- _____

ABP- _____