

An  
Bord  
Pleanála

**Board Direction**  
**BD-013048-23**  
**ABP-313166-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/07/2023.

The Board considered the entirety of the planning file and the inspectors report. The Board noted that the relevant development plan is the Dublin City Development Plan 2022-2028. The Board had regard to the policies and objectives included in the Plan when making this decision. In particular:

- Chapter 2, Section 2.3 Settlement Strategy which sets the context for Strategic Development and Regeneration Areas: *In general, a mixed use approach is promoted in the SDRAs, with the objective to create vibrant self-sustaining residential communities served by commensurate social and physical infrastructure as well as commercial development.*
- Chapter 7, CCUV 33, Support for Markets *To facilitate indoor and outdoor markets both in the city centre and throughout the city particularly where they support the existing retail offer and local produce/start up enterprise and the circular economy; and to realise their potential as a tourist attraction.*
- Chapter 7, CCUV13, vacant uses, *To promote the temporary use of vacant premises in order to reduce the level of vacancy on streets in the city's urban centres including Key Urban Villages as this can compromise the vitality of urban centres. Temporary uses which can contribute to the economic, social and cultural vitality of the city centre , Key Urban Villages and other centres and which allow public access will be encouraged (pending permanent occupancy)*
- Chapter 13 Strategic Development Regeneration Area 15 – Liberties and Newmarket square, which includes guiding principles for land use and activity and identifies Newmarket square as a Key Opportunity site.
- Chapter 14, land use zoning, the site is zoned Z10 the objective includes the following- *To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses. The purpose of this zoning is to promote mixed-use in order to deliver sustainable patterns of development in line with*

*the principles of the 15-minute city.* The permissible uses include shop (local) and shop (neighbourhood) in addition to a wide variety of other uses.

The Board considered that while the proposed use is a permissible use in this zone that this alone is not a reason to permit the change of use proposed, that cognisance had to be taken of the other policies and objectives included in the Development Plan. The Board considered regard must be had to the SDRA guiding principles which requires development to deliver active and animated frontages along the building edge, specifically referencing Newmarket Square.

The Board noted this is an area undergoing significant development, with the objective to create a vibrant mixed-use area. In accordance with the Development Plan it is appropriate that Newmarket Squares historic land use mix, that contributed to the character of the area, informs the nature of the land use permitted. In this instance and having regard to the other uses permitted at ground floor level, it is considered that the “market space” permitted has the potential to complement the use of the artist studios, and the adjoining tourist attraction the distillery and add to the diversity of the retail offer. The Board therefore considers that the change of use proposed would undermine the policies and objectives of the Plan.

The Board acknowledges the case made by the applicant regarding letting the existing floor space but considers that the Plan provides for exploring temporary uses in accordance with policy CUV13.


The Board decided to refuse permission for the following reasons and considerations.

### **Reasons and Considerations**

This proposed change of use is in an area identified as a Strategic Development Regeneration Area in the Dublin City Development Plan. The Core Strategy in the Dublin City Development Plan 2022- 2028 requires Strategic Development Regeneration Areas to develop in accordance with the guiding principles set out in Chapter 13. It is considered that the proposed change of use undermines the guiding principles by replacing a permitted “market space”, that has the potential to add to the vibrancy and use mix by reinforcing the character of the market square and complementing the adjoining tourist and artist studios, with a more generic convenience retail unit. In these circumstances it would be premature to accede to

this change of use which, would be contrary to the proper planning and sustainable development of the area.

**Board Member**

  
Mary Henchy

**Date:** 27/07/2023

