

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3500/21

Appeal by Dubco Ireland Credit Union Limited care of Hayes Higgins Partnership of The Glass House, 11 Coke Lane, Smithfield, Dublin, by Presentation Primary School care of Marie Berkery of George's Hill, Halston Street, Smithfield, Dublin, and by The Fruit Market Development Company Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 3rd day of March, 2022 by Dublin City Council to grant permission subject to conditions to The Fruit Market Development Company Limited.

Proposed Development: (i) Demolition of all existing structures on site; (ii) construction of a mixed-use development comprising of 94 number apartments (11 number studio apartments, 57 number one-bed apartments, 21 number two-bed apartments, and five number three-bed apartments) and three number commercial units (totalling 433 square metres) in three number six to eight storey blocks (A-C) over basement. More specifically, Block A comprises a six to eight storey block fronting Mary's Lane and Halston Street, featuring two number commercial units (totalling 339.6 square metres) at ground floor level and five number studio apartments, 28 number one-bed apartments, 14 number two-bed apartments and five number three-bed apartments (totalling 52 number apartments) at upper floor levels; Block B comprises an eight-storey block fronting Little Green Street featuring

four number studio apartments and 17 number one-bed apartments at upper floor levels (totalling 21 number apartments); and Block C comprises an eight-storey block fronting Little Green Street, featuring one number 93.2 square metre commercial unit at ground floor level and two number studio apartments, 12 number one-bed apartments and seven number two-bed apartments (totalling 21 number apartments) at upper floor levels. Residents of all proposed apartments have access to a private balcony, a communal central landscaped courtyard, three number roof gardens (totalling 552 square metres) and 127 number bicycle parking spaces; (iii) change of use from commercial to residential land use; and (iv) all associated site and infrastructural works, including foul and surface water drainage; attenuation tanks; landscaping; plant areas and ESB substations; necessary to facilitate the development, all at site bounded by Mary's Lane to the south, Halston Street to the west and Little Green Street to the east, comprising of 6 and 8 Mary's Lane; 2 and 4/5 Little Green Street; and 21 Halston Street, Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

The Dublin City Development Plan 2022-2028 (Policy QHSN38) seeks to create sustainable residential communities which contain a wide variety of housing and apartment types, sizes and tenures, in accordance with the Housing Strategy and Housing Need and Demand Assessment (HNDA). Based on a sub-city level HNDA for the north inner city, Section 15.9.1 of the development plan requires that developments of the nature proposed contain a minimum of 15% three or more bedroom units and a maximum of 25%-30% one-bedroom/studio units. These provisions are considered reasonable in accordance with Specific Planning Policy Requirement 1 of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' issued by the Department of Housing, Local Government and Heritage (December 2020, updated December 2022). The proposed mix of apartments includes an excessive proportion of studio and one-bedroom units (at least 63%) and a deficit of three or more-bedroom units (not meeting the minimum 15% requirement), which would materially contravene development plan policy and would, therefore, fail to adequately address the evidence-based housing needs of the local area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Appropriate Assessment

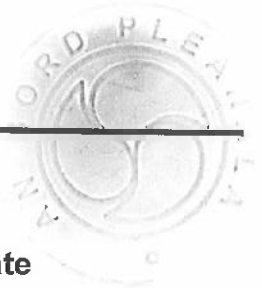
The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans and projects, on these European Sites in view of the site's conservation objectives and that a Stage 2 Appropriate Assessment is not, therefore, required.



Mary Henchy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**



Dated this *22* day of *June* 2023