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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3017/22**

**APPEAL** by Newmarket RVAM 2 Limited care of Declan Brassil and Company of Lincoln House, Phoenix Street, Smithfield, Dublin against the decision made on the 3<sup>rd</sup> day of March, 2022 by Dublin City Council to refuse permission.

**Proposed Development:** Change of use of the permitted 'Market Space' at ground floor level (pursuant to condition 4(a) of planning permission DCC reference number 3321/17, as subsequently amended by DCC reference number 3672/19 and DCC reference number 3747/20) to provide a convenience retail unit at ground floor level (612 square metres gross floor area) to include a café/deli, and part off-licence with a dedicated floor area of 28 square metres. Permission is also sought to vary condition 4(d) of planning permission under DCC reference number 3321/17 (as amended) to permit the shared use of the external courtyard space (146 square metres) with the permitted artist studios to provide outside seating and dining space ancillary to the proposed retail convenience unit. In addition, permission is sought for the shared use of the permitted office waste storage room at basement level. All works required to facilitate the proposed change of use comprise of internal alterations and will not result in any external alterations to the permitted development, all at number 8 Newmarket and number 18 Mill

Street, Dublin (bounded by Mill Street to the south, Mill Lane to the east and Newmarket to the north).

## **Decision**

**REFUSE permission for the above proposed development for the reasons and considerations set out below.**

## **Reasons and Considerations**

The proposed change of use is in an area identified as a Strategic Development Regeneration Area in the Dublin City Development Plan 2022-2028. 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, the Board considered that it would be premature to accede to this change of use and that the proposed development would be contrary to the proper planning and sustainable development of the area.



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**Mary Henchy**

**Member of An Bord Pleanála**

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

**Dated this 11<sup>th</sup> day of August 2023.**