



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3703/20

Appeal by Caledon Court Management Committee care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 31st day of March, 2021 by Dublin City Council to grant subject to conditions a permission to Development Ocht Limited care of Simon Clear and Associates Planning and Development Consultants of 3 Terenure Road West, Terenure, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The proposed development will consist of the refurbishment and upward extension of the existing mixed-use building from four-five storeys to six-seven storeys to accommodate a total of 131 number residential apartments in three conjoined blocks A, B and C. The development provides for the demolition of 13 number units at third and fourth floors and the provision of 71 number units, resulting in a net gain of 58 units. The development also includes small infill extensions at ground floor and for the change of use of part of the ground and basement levels to accommodate a gymnasium and associated amenities.

The newly constructed units will comprise 17 number studios, 29 number one-bedroom and 25 number two-bedroom units, all with private balconies. The overall mix of units in the development (existing and proposed) will be 17 number studios, 36 number one-bedroom, 72 number two-bedroom units and six number three-bedroom units. The development will comprise: -

- Reconfiguration and partial change of use of existing basement to provide gymnasium space, 55 number car parking spaces, bicycle parking, refuse stores and plant;
- Change of use of existing (vacant) commercial unit and part of permitted (vacant) crèche to accommodate gymnasium space at ground floor;
- Change of use and reconfiguration of remaining part of permitted crèche area at ground floor to provide one number-bedroom apartment and a new entrance foyer/concierge area accessed via a new entrance on the southern elevation;
- Partial demolition of existing third floor level (10 number units), construction of 16 number units comprising four number studios, four number one-bedroom and eight number two-bedroom apartments and extensions to four number existing units;
- Demolition of existing fourth floor level (three number units) and construction of new fourth floor accommodating 24 number units comprising six number studios, 10 number one-bedroom and eight number two-bedroom apartments;



- Construction of new fifth floor level accommodating 23 number units comprising five number studios, nine number one-bedroom and nine number two-bedroom apartments;
- Construction of new sixth floor level accommodating seven number units comprising two number studios and five number one-bedroom apartments;
- Upgrading of existing communal amenity spaces at ground floor and provision of new landscaped roof garden at sixth floor;
- Demolition of existing substation;
- Upgrading of existing facades; and
- All associated signage, site works and services,

all at Alexandra Place, East Road, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the zoning of the site, the existing residential on the existing footprint, and the provisions contained in the National Planning Framework and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March 2018, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars submitted to the planning authority on the 4th day of March, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the entire development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of development.

Reason: In the interest of orderly development.

5. Car parking spaces shall not be sold within the units but shall be assigned and managed in a separate capacity via leasing or permit arrangements to serve the residential development, save for existing arrangements in place as detailed in the documentation submitted to the planning authority on the 4th day of March, 2021.

Reason: In the interest of orderly development.

6. The management company of the development shall undertake to implement the measures outlined in the Mobility Management Plan to ensure that future tenants comply with the strategy. A mobility manager for the overall scheme shall be appointed, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To encourage and maintain sustainable transport options within the scheme.

7. A revised numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development.

Reason: In the interest of legibility.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

9. No additional development shall take place above the roof parapet, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant other than those shown in the drawing submitted unless authorised by a separate grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenities of the area.

10. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

11. The applicant shall comply with the Code of Engineering Practice for works, on, near or adjacent to the Luas Light Rail System. Details of this compliance shall be agreed in writing with the Transport Infrastructure Ireland.

Reason: In the interest of orderly development.

12. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

15. The developer shall pay to the planning authority a financial contribution in respect of the Luas C1 Line Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 23rd day of November 2021.