



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 2667/19

Appeal by An Taisce of Tailor's Hall, Back Lane, Dublin against the decision made on the 27th day of May, 2019 by Dublin City Council to grant subject to conditions a permission to Mater Hospital Private care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development proposed includes an amendment to a previously permitted scheme (planning register reference number 2219/17). The development will consist of additional hospital/medical-related use through the demolition of a plant room at Level 04 (circa 24 square metres), the provision of extensions at Level 04 (measuring circa 98 square metres), Level 05 (measuring circa 95 square metres floor area (of which 55 square metres is plant rooms)) and Level 06 (measuring circa 1,369 square metres floor area (of which 137 square metres is a plant room)), and the provision of a new floor of development onto the existing hospital building, described as Level 07 (measuring circa 1,317 square metres floor area (of which 137 square metres is a plant room)). The development will also consist of the provision of two number new lifts located internally within the hospital

building extending from existing Levels 00 to 05 (12 square metres), which will also extend to form part of the extended Level 06 and new Level 07 floors. The development will result in an increase of 47 number inpatient bedrooms at the hospital, with associated and ancillary hospital/medical-related use. The overall floor area proposed is 2,891 square metres (including plant), resulting in the proposed overall gross floor area of the hospital being 24,011 square metres. The development will also comprise: the reorganisation of three number existing bedrooms at Level 05, which will be incorporated into the proposed extension at that level (no change proposed to the number of inpatient beds at that level); new façade treatment on the southern elevation of Level 05; a screened open air plant room at Level 06; the extension of two number existing generator flues on the northeast stairs façade; the relocation of two number permitted exhaust flues from the roof of Level 05 (permitted under planning register reference number 2219/17) to the new Level 08 (roof) and the provision of two number new exhaust flues at roof level, with all associated support; the provision of a new roof light to the stair extension to the roof of Level 04; the relocation of the atrium roof to Level 08 (roof level) and the provision of two number associated extract fans; the provision of guard rails; associated internal alterations; associated elevation changes; alterations to existing site services; changes in levels and all other associated site development works above and below ground, all on a 0.6087 hectares site, approximately, at Mater Private Hospital, Eccles Street, 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 provisions of the Dublin City Development Plan 2016-2022 which seeks to provide for health and community uses on this subject site and to protect the architectural heritage of the city, to the existing pattern of development in the area, and the nature, form, scale and design of the proposed development, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the character of the surrounding streetscapes or the character and setting of any Protected Structures in the vicinity, and would not seriously injure the visual or residential amenities of the area. 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, 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 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. The terms and conditions attached to permission for the original development granted under planning register reference number 2219/17 shall be fully complied with except where modified by this permission.

Reason: In the interest of clarity.

3. Details including samples of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

4. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. A plan containing details for the management of waste (and in particular recyclable materials) within the development including the provision of facilities for storage, separation and collection of the waste and in particular recyclable materials for the on-going operation of these facilities shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter the waste shall be managed in accordance with the agreed plan.

Reason: To provide the appropriate management of waste and in particular recyclable materials in the interest of protecting the environment.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

8. The following transport and traffic management details shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
 - (a) Details of the appointment of a contractor and a construction management transport plan. This plan shall provide details of the intended construction practice for development including traffic management, hours of working, noise management measures and off-site disposal of construction and demolition waste.
 - (b) Details of all cycle parking on the subject site.

- (c) Details regarding the implementation of the measures outlined in the mobility management plan submitted with the application.

Reason: In the interest of orderly development.

9. 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:
- (a) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (b) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (c) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels in the neighbouring residential area;
 - (d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

10. 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.

11. 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.

12. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Paul Hyde
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020