

An
Coimisiún
Pleanála

Commission Order
ABP-322648-25

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: 3583/24

Appeal by Bryan Kearney of 31 Haddington Road, Ballsbridge, Dublin and by others against the decision made on the 2nd day of May, 2025 by Dublin City Council to grant subject to conditions a permission to the Health Service Executive care of Stephen Ward Town Planning and Development Consultants of Jocelyn House, Jocelyn Street, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: Replacement primary care centre incorporating an ancillary pharmacy to be known as "The Haddington Road Primary Care Centre". The Primary Care Centre will incorporate the existing three-storey Victorian building formerly known as 19 Haddington Road and a new purpose designed building. The two buildings will be interlinked. The proposed primary healthcare building will range in height from three to six storeys with a plant enclosure set-back at roof level. Upgrade, refurbishment and integration works to the façades and interiors of the Victorian 'corner' building formerly known as 19 Haddington Road. The new build element will step upwards from three storeys where it abuts Eastmoreland Lane rising to six storeys and will have an overall gross floor area of circa 3,369 square metres of which circa 236 square metres is existing floor space (i.e. 19 Haddington Road) and

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3,133 square metres is new build. The main entrance to the Primary Care Centre will be off Haddington Road, with a second access provided off Eastmoreland Lane. To facilitate the new building the proposed works will involve the demolition and clearance of the three-storey post 1950's concrete and brick buildings formerly known as "Baggot Community Hospital" fronting Haddington Road. Demolition of non-original single storey flat roof extensions to the rear of The Royal City of Dublin Hospital (RPS reference number 446). The demolition works will involve uncoupling junctions to this non-original modern extension only. No other works to this protected structure are proposed. Infilling of basement area. The proposed development also provides for a set-down area/loading bay on Haddington Road, an internal bicycle store at ground floor level, visitor bicycle parking on Haddington Road, internal plant/waste areas, an ESB sub-station and all associated site development works, all on a site located at the junction of Haddington Road with Eastmoreland Lane incorporating vacant buildings forming part of the former Baggot Street Community Hospital, including 19 Haddington Road and a three-storey flat-roofed structure fronting Haddington Road in addition to non-original extensions connecting to the Royal City of Dublin Hospital (RPS reference number 446), 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.

Reasons and Considerations

In coming to its decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

- (a) the Revised National Planning Framework (2025),
- (b) the Regional Spatial and Economic Strategy for the Eastern and Midlands Region (2019-2031),
- (c) the Urban Development and Building Height Guidelines for Planning Authorities (2018),
- (d) the Dublin City Development Plan 2022-2028,
- (e) the highly accessible location of the site within an Urban Village close to the Central Area of the city, which is served by a high-quality public transport network,
- (f) the protected structure status of the Baggot Street Hospital (RPS reference number 446), the proximity of the site to several protected structures and a Conservation Area, and the townscape character and established pattern of development in the vicinity of the site,
- (g) the underutilised nature of the site,
- (h) the Appropriate Assessment Screening Report,
- (i) the submissions and observations made in connection with the planning application and the appeal, and

- (j) the report and recommendation of the planning inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would provide for a Primary Health Care Facility and ancillary pharmacy which would result in a compact and sustainable form of urban development at a highly accessible location, would not seriously injure the visual or residential amenities of the area, would not adversely impact on the character of the area, would be acceptable in terms of traffic safety and convenience, would be in accordance with the national and local policies for the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission agreed with the planning authority and the Inspector that a reduction in height by one floor was appropriate; however, the Commission considered that the removal of the third floor, rather than the fourth floor, and the addition of louvres to the windows would have more benefit in reducing the impact on the properties across Eastmoreland Lane and the visual impact along Haddington Road in the context of the protected structures in the vicinity and through re-organisation of the rooms throughout the building would not impact significantly on the overall provision of primary healthcare at this location. The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 27th day of March, 2025, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development hereby permitted is for a Primary Care Centre and ancillary pharmacy.

Reason: In the interest of clarity.

3. The proposed development shall be amended as follows:
 - (a) The third floor shall be omitted in its entirety, and the remaining floors shall be redesigned accordingly to ensure that the setbacks to each level are symmetrically spaced and that the rhythm of the elevations is maintained.



- (b) The fenestration proposed on the southern (rear) elevation facing the Granite Building and the proposed internal courtyard and on the western (side elevation) facing the rear of the properties fronting onto Baggot Street Upper, respectively, shall be redesigned with the addition of louvres above ground floor to prevent overlooking of these areas.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

4. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, a revised design, structural details, a schedule and timing for the construction of the brick wall and the closing up of the openings of the brick returns of the protected structure in order to mitigate impacts detected after obtaining full access and investigation of the brick wall construction of the returns. Brick shall be used instead of blockwork and the bond pattern shall match the existing, unless otherwise agreed with the planning authority. Pointing samples shall be prepared for the written agreement of the planning authority.

Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

5. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, the following revised and/or additional details:
- (a) Roof plan – the retention of the existing two chimneys and capping stones on the gable and the central valley, the rainwater down pipes and the hopper heads. Natural slate Bangor Blue coverings and clay ridge tiles shall be used in the roofing works to match the original slate coverings. All roof work shall be executed by a contractor with expertise in the roofing of historic buildings.
 - (b) Historic timber sash windows and surrounds – original windows shall be retained, repaired, draught-proofed and repainted. Slim double glazing or laminated historic glass may be considered for the historic frames, if required, where no historic glazing exists, or a secondary glazing system may be permissible, subject to agreement with the planning authority.
 - (c) Front elevation decoupling – the decoupling of number 19 from the adjoining building shall be carefully executed to avoid any damage to the decorative brick and stone pier on the right-hand side of the single entrance door, which extends beyond the joint line between the brick facade of number 19 and the adjoining building. This is likely to necessitate the incorporation of the entirety of the party wall between the two buildings to ensure that the ground floor pier and stone dressings are retained in its entirety and in an authentic manner. A revised 1:50 proposed elevation and section of number 19 shall be submitted to the planning authority to include a margin of brickwork that will fully support the brick pier and stone dressings and may include quoins to match those on the corner of the building onto Eastmoreland Lane.

- (d) Historic shopfront – the shopfront shall be sensitively restored in accordance with best conservation practice and Dublin City Council Shopfront Guidelines and shall include the careful removal of the existing vent in the glazed over panel above the double entrance doors. The developer shall investigate, through careful opening up, whether historic fascia board and signage survives behind the vertical timber boarding, and, if it exists, this shall be incorporated into the proposed development. The historic timber double and single doors to the shop front shall be retained, repaired and refurbished in accordance with best conservation practice.
- (e) Brickwork and stonework – sound historic lime pointing shall be retained. New repairs shall match the existing pointing technique and materials. Marked-up drawings shall be submitted to the planning authority when the building has been inspected at close quarters, indicating proposed repointing and repairs to brickwork, cornice, window surrounds, shopfront and other features.
- (f) Stone cleaning – abrasive blasting techniques shall not be used to clean the stone dressings. A cleaning sample shall be prepared using a light-touch low pressure steam clean for the inspection and agreement of the planning authority.
- (g) Rainwater goods and drainage pipework – a revised drawing of pipework on the east elevation (drawing number 2119-PA-050/A 1:50 Elevations Sheet 1 and drawing number 2110-PA-051/A 1:50 Elevations Sheet 2) shall be submitted for the written agreement of the planning authority.

- (h) Waterproofing – the use of applied repellents shall be avoided.
The building shall be properly repointed using a lime mortar and all sources of water ingress such as leaking downpipes or hopper heads shall be addressed.

Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

6. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority confirmation that:
- (a) the proposed development will be monitored by a suitably qualified architect with conservation expertise and accreditation,
 - (b) competent site supervision, project management and crafts personnel will be engaged, who are suitably qualified and experienced in conservation works,
 - (c) the architectural detailing and materials shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area, and
 - (d) all works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities.

Reason: In the interest of the protection of architectural heritage.

7. Details of the boundary wall separating the red hatched area from the remainder of the site (drawing number 2119-PA-101 Rev B dated March 2025) shall be submitted to the planning authority prior to commencement of development. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision replacing or amending

them, no development shall take place within the red hatched area (drawing number 2119-PA-101 Rev B dated March 2025) without a prior grant of planning permission.

Reason: To protect the integrity of the adjacent protected structure (Royal City of Dublin Hospital RPS reference number 446).

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

Reason: In the interest of visual amenity and to ensure an appropriate standard of development.

9. (a) No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennae or equipment, unless authorised by a further grant of permission.
- (b) The flat roofs of the proposed structure shall not be used as an amenity terrace, unless authorised by a further grant of planning permission.

Reason: To protect existing residential and visual amenities.

10. (a) The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA shall

involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, the latter to include, where applicable - geophysical survey, underwater/marine/intertidal survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts), building survey/analysis, visual impact assessment.

- (b) The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA.
- (c) Any further archaeological mitigation requirements specified by the planning authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the developer.
- (d) The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, sites, features or other objects of archaeological interest.

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11. Prior to commencement of development, details of the proposed security measures and lighting for the Eastmoreland Lane elevation and for the proposed access lane between the proposed development and the Granite Building shall be submitted for the written agreement of the planning authority, and the agreed lighting and security measures shall be implemented prior to occupation of the development.

Reason: In the interest of visual amenity and public safety.

12. (a) The loading bay shall be reserved for servicing and delivery purposes only and shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS).
- (b) A minimum of 16 number long-term safe and secure bicycle parking spaces shall be provided within a dedicated facility of permanent construction, and a minimum of 12 number visitor bicycle parking spaces shall be provided within the site. Provision shall be made for a mix of bicycle types, including cargo bicycles and individual lockers, with electric charging points at accessible locations and changing and showering facilities at a convenient location. Details of the layout and marking demarcation of these spaces and the associated facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) Prior to the occupation of the development, a Mobility Management Plan (MMP) shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents/occupants/staff employed in the development. A Mobility Manager shall be appointed, and the proposed development shall

be carried out and operated in accordance with the provisions of the agreed Mobility Management Plan (MMP). The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first five years following first occupation and shall submit the results to the planning authority for consideration and placement on the public file.

Reason: In the interest of amenity, of traffic and pedestrian safety and of sustainable transportation.

13. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

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

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

15. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. The drainage for the proposed development shall be designed on a completely separate foul and surface water system with a final connection discharging to the public foul sewer. Only clean, uncontaminated storm water shall be discharged to the surface water drainage system. The proposed development shall incorporate Sustainable Drainage Systems in the management of surface water. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

16. The developer shall ensure that the development is served by adequate water supply and/or wastewater facilities and shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and wastewater collection network prior to the commencement of development.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

17. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the landscaping scheme. Such lighting shall be provided prior to the making available for occupation of the development.

Reason: In the interest of amenity and public safety.

18. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

19. The site shall be landscaped in accordance with a scheme of landscaping, details of which, including a schedule of maintenance, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory landscaping and future maintenance of the site and in the interest of visual amenity.

20. The construction of the proposed 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 proposed development, including:
- (a) The location of the site and materials compound(s), including area(s) identified for the storage of construction refuse.
 - (b) The location of areas for the construction site offices and staff facilities.
 - (c) Details of site security fencing and hoardings.

- (d) Details of on-site car parking facilities for site workers during the course of construction.
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (f) Measures to obviate the queuing of construction traffic on the adjoining road network.
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (h) 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.
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be made available for inspection by the planning authority.

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

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

Reason: To safeguard the amenity of property in the vicinity.

22. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

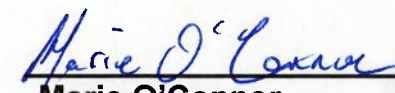
23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads, footpaths and utilities which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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 Coimisiún Pleanála for determination.

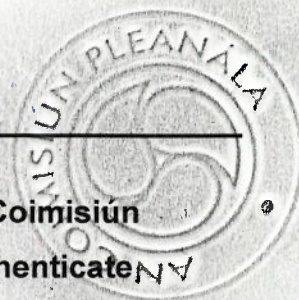
Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

24. 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 Coimisiún 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.


Marie O'Connor

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 07 day of October 2025.