



An
Bord
Pleanála

Inspector's Report ABP-312766-22

Development	Retain and comple extension to hospital
Location	Mater Hospital, Eccles St. Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3400/21
Applicant	Mater Misericordiae University Hospital
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Parties vs. grant
Appellants	An Taisce Irish Georgian Society
Observers	None
Date of Site Inspection	26 th May 2022
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

- 1.1. The site has a stated area of 5,018m². It is part of the curtilage of the Mater Hospital which extends to over 6ha in Dublin's north inner city between Eccles Street and the North Circular Road. The site is on the southern side of the hospital campus with c75m of frontage along Eccles Street. It is currently a building site. The structure of the proposed building upon it is largely complete. Its use prior to the commencement of development was for car parking.
- 1.2. The Mater Hospital contains a variety of building types. There are modern buildings up to 9 storeys high on the northern part of the hospital campus towards the Circular Road. Immediately to the west of the site there is a Georgian terrace with four storeys over basement. A 19th century hospital building with classical design features stands further west facing Eccles Street, with the intervening street frontage occupied by a modern building of similar height and orientation as the Georgian Terrace. A car park occupies the land to the east of the site along Eccles Street. The rest of the frontage on the north side of Eccles Street is occupied by the modern buildings of the Mater Private Hospital, which present a brick finished 5 storey façade to the street largely conforming to the building line of the Georgian terrace to the west of the site, dropping down to 3 storeys at the corner with the thoroughfare of Dorset Street.
- 1.3. The southern side of Eccles Street has an intact Georgian terrace of houses that are mainly four storeys over basement across two bays. The neo classical St. George's Church on Hardwicke place appears in the vista looking east along Eccles Street.

2.0 Proposed Development

- 2.1. It is proposed to retain and complete a hospital building on the site with a floor area of 13,563m² over 10 storeys. The lowest level 0 would be at basement level compared to Eccles Street, with level 1 equivalent to its ground level. The published description of the development describes it as a Covid emergency extension block. It would contain 98 hospital beds largely in single rooms on levels 2 to 6. Level 1 would contain the pedestrian entrance lobby, administrative rooms and shops. The floorspace at other levels would mainly be used for plant. The proposed building would be linked to the existing Whitty hospital building to the north at all levels. The

proposed development was amended by further information submitted to the council on 22nd December 2021, primarily in relation to the detailed design of the southern façade and the treatment of the area between it and the street.

- 2.2. The main axis of the building would run north-south. The southern elevation would be narrow, at c26m, presenting a façade to Eccles Street of 6 storeys, 23.43m above the level of the street, set back 6m to 12m from the building line established by the Georgian terrace to the west with a lateral separation of c19.2m from that terrace. There would be a paved and planted area between it and the street linking it to the pedestrian entrance to the block. The southern façade would be finished in a mix of curtain glazing and panel of concrete and metal panels. The eastern and western elevations would be longer, at c70m. They would contain the windows serving the hospital rooms, and would be mostly finished otherwise in terracotta panels. They would step up to 7 storeys above the height of Eccles Street c25m from the southern elevation, then to 8 storeys after another 18m, with the machine run and lift overrun back a further 17m. The highest point of the structure is shown as 36.64m over the level of the Eccles Street. Omitting the lift overrun and plant room, the highest level is 31.46m over the street.
- 2.3. The documents submitted by the applicant state that development began on foot of an order under section 181 of the planning act, S193 of 2020, which made accommodation for Covid 19 treatment exempted development.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The council decided to grant permission subject to 18 conditions. Condition no. 1 refers to the further information submitted to the council on 22nd December 2021. Condition no. 3 required a financial contribution under the supplementary scheme for the Luas cross city extension. Condition no. 5 required that the curtain glazing from the 3rd to the 5th floors be replaced with a treatment to be agreed with the council.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

The planning history of the hospital and the applicable provisions of the development plan are reviewed. The proposed height exceeds the limit of 28m set down in the development plan and is reviewed against the criteria set out in section 3.2 of the 2018 Building Height Guidelines. There is discussion about its propriety at the scale of the city. The scale and massing are appropriate in the context of the street. It is accepted that the proposed development would have little impact on the surrounding area in respect of daylight and sunlight. As the proposal is marginally in excess of the recommended height in the development plan and does not exceed the highest existing hospital buildings, specific assessments in relation to microclimate, birds, bats and telecommunications are not required. In relation to architectural heritage the submission from An Taisce and the Irish Georgian Society are noted. The scale and massing of the proposed development is acceptable and is in keeping with the scale and massing of the wider hospital site. There is some concern about the long eastern elevation and its impact on view from the eastern part of Eccles Street and its junction with Dorset Street, as it is not clear whether the land occupied by a car park immediately to the east of the proposed block will be developed to reinstate street frontage. However the applicant's rationale for the orientation of the proposed block in this manner, to allow integration of every floor with the existing hospital building, is accepted. The need for AA or EIA is screened out. The development would be a permanent extension to the Mater Hospital and should be assessed as such. The scale, massing, height and visual impact of the proposed development are acceptable. There are concerns about the impact of the development on views from the east and the quality of the terracotta finishes. It was recommended that further information be sought in relation to the matters raised by the Traffic Planning Division and the Environmental Noise Unit, as well as in relation to the proposed terracotta tiles and the future use of the remaining car park to the east of the site. The report on the further information stated that the issues raised had been addressed. It concluded that the proposed development would, in conjunction with the development of the remaining car park, integrate successfully with the surrounding area including the remaining Georgian streetscape on Eccles Street. The proposal would be in keeping with the provisions of the development plan and the proper planning and sustainable development of the area and a grant of permission was recommended.

3.2.2. Other Technical Reports

The Drainage Division stated no objection subject to conditions.

The City Archaeologist recommended that archaeological assessment be carried out.

The Environmental Health Officer recommended conditions relating to emissions to air and noise.

The Transportation Planning Division recommended that further information be sought in relation to the ambulance bay, bicycle parking and other details. The report on the further information recommended conditions to be attached to any permission.

3.3. Prescribed Bodies

Transport Infrastructure Ireland stated that a financial contribution should be sought under the supplementary scheme adopted for the Luas Cross City project

An Taisce objected to the proposed development on grounds similar to those raised in its subsequent appeal

3.4. Third Party Observations

The Irish Georgian Society made an observation raising concerns similar to those raised in its subsequent appeal

4.0 Planning History

4.1.1. There is an extensive planning history for the Mater Hospital, as set out in the council planner's report. However the cases cited by the parties are –

PA0024 – In February 2012 the board refused permission for a children's hospital on a site that includes the current site. The reason for refusal stated that the proposed building including a 164m long block and with an height of up to 74m would result in a dominant, visually incongruous structure and would have a profound negative impact on the appearance and visual amenity of the city skyline, and would adversely affect the existing scale and character of the historic city and the

established character of the local area and would seriously detract from the setting and character of protected structures, streetscapes and areas of conservation value and, in particular, the vistas of O'Connell Street and North Great George's Street.

ABP-304763- , Reg. Ref. 2667/19 – the board granted permission for an extension to the Mater Private raising its height from 5 to 7 storeys.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Dublin City Development Plan 2016-2022 applies. The site is zoned under objective Z15 for institutional and community uses. Health facilities are permissible in that zone. The opposite side of Eccles Street as a Georgian Conservation Area under objective Z8. Section 14.8.8 says that the aim of that zone is to protect the architectural character/design and overall setting of such areas. Section 14.7 of the plan refers to transitional zonal areas. It says that it is important to avoid abrupt transitions in scale and use zones. In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones. Section 16 sets out development management standards.
- 5.1.2. Section 16.2.1 sets out general design criteria. Section 16.7.2 sets a height limit of 28m for commercial buildings in this area. Plant and lift overruns should not be included in the overall height if they are property set back. Where a site has a pre-existing height over that stipulated above, a building of the same number of storeys may be permitted, subject to assessment against the standards set out elsewhere in the Development Plan and the submission of an Urban Design Statement.
- 5.1.3. The Georgian terrace to the west of the site and the Georgian houses across the street are protected structures, as are the original hospital building up the street and St. George's Church on Hardwicke Place on the other side of Dorset Street. Policy CHC2 is to ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage. Policy SC7 is to protect and enhance important views and view corridors into, out of and within the city, and to protect existing landmarks and their prominence. Policy

CEE 20 is to recognise that hospitals and the wider healthcare sector are crucial to the wellbeing of the city, including as major sources of employment, economic development and innovation; and to promote and facilitate their development and expansion.

5.2. Section 28 Guidelines

- 5.2.1. Section 13.8 of the Guidelines for Planning Authorities on Architectural Heritage Protection says that proposals for development outside the attendant grounds of protected structure that have the potential to impact on their character should be similar consideration as development within those grounds.
- 5.2.2. Section 1.10 of the Guidelines for Planning Authorities on Building Height issued in 2018 says that building height of at least 6 storeys at street level as the default objectives between the canals in Dublin, and greater heights may be justified by the criteria in section 2 and 3 of the guidelines. Section 3.2 sets out the criteria for development management at the scale of the city, street, site and buildings, and refers to specific assessments in relation to micro climate, natural heritage and urban design.

5.3. Natural Heritage Designations

- 5.3.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of the appeal from the Irish Georgian Society can be summarised as follows:
 - The appeal was made due to the impact of the proposed development on Eccles Street, the architectural character of the immediate area and the terrace of protected structures opposite the site. The street was laid out from the 1770s and 1830s with Georgian houses with two bays and four storeys over basements, with the hospital built at the end of the street from the 1850s to the 1880s. The expansion of the hospital in the late 20th century led to the

demolition of part of the street leaving only 8 original houses on its northern side.

- The proposed development is a missed opportunity to appropriately remedy the blight on Eccles Street. It does not attempt to remake the historic streetscape with regard to its scale, form, layout or materiality, as was done in similar circumstances on Fitzwilliam Street and York Street. This should have been done here having regard to the Z8 zoning and protected status of the opposite side of the street and policies CHC2 of the development plan.
- The height of the proposed buildings exceeds the limit of 28m set in section 16.7.2 of the development plan. The quality of the proposed design does not meet the standards set out in section 16.2.1 of the plan.

6.1.2. The grounds of the appeal from An Taisce can be summarised as follows-

- The appellant is concerned about the manner in which work began under emergency procedures that excluded 3rd party involvement. The emergency is now receding.
- The proposed development shows a lack of regard for a very important Georgian street, presenting a four storey terraces with a partly blank wall clad in concrete that is 6 storeys high. The quality of the design is not commensurate with the importance of the area. It would fail to engage with that street in scale, form or design. The submitted photomontages are misleading.
- The Georgian houses on the site that the hospital demolished included the home of Molly and Leopold Bloom at No. 7. There is an onus on the hospital to atone for the demolition of the Georgian houses on the street.
- The site is a transitional zonal area across the street from the Z8 Georgian Core Conservation Zone. Development upon it is required to have regard to the sensitivity of the latter zone under section 14.7 and 14.8.8 of the city development plan. The proposed 6 storey development involves an abrupt change in scale from the four storey Georgian houses in zone Z8 and so would be contrary to the provisions of the development plan. It would also

injure the setting and character of those houses which are protected structures.

- The proposed development would damage the setting of the protected structure at St. George's Church contrary to policy CHC2 of the development plan. Its location in the orderly and consistent layout of streets in the north Georgian Core, with landmark buildings sited to terminate vistas or punctuate streets, would be contrary to policy SC7 of the plan.
- Permission should be refused as the heritage constraints of the primary Georgian streetscape of Eccles Street on the functional and utilitarian architectural language of the proposed development where a high quality response is required.

6.2. Applicant Response

6.2.1. The responses to the appeals can be summarised as follows-

- The Covid 19 pandemic demonstrated the need for hospital facilities to deal with infectious disease. The current facilities remain under significant pressure as of March 2022. Remedying this deficiency is a priority under national, regional and local planning policy. The site is not zoned Z8 to conserve architectural heritage, it is zoned Z15 for community uses like hospitals.
- The proposed building will marry the Whitty Hospital building to Eccles Street, stepping down and appropriately taking its design cues from the Georgian and coteremporary buildings around the site. The proposed landscaped entrance plaza and double height doors will provide a suitable relationship with the public realm along the street. The terracotta tiles were omitted from the front elevation at FI stage in response to An Taisce's concerns. The palate of pale finishes complements the Georgian terrace to the west that is painted white. This is a high quality design solution in terms of composition, scale and materiality.
- The submitted photomontages are accurate.

- There is significant variation in the character of buildings along the north side of Eccles Street, mostly from the development of a modern hospital that needs accommodation of a particular scale and type, with wide floor areas linked vertically. A reinstatement of the prior streetscape in the manner proposed in the appeal from the Irish Georgian Society could not meet those needs. The proposed development will enhance the visual presence of the hospital on Eccles Street. It would provide a new entrance to the hospital from the street. The proposed development would properly integrate into that streetscape. As such it would improve the setting of the protected structures across the road. It would not injure the character of the wider north Georgian core including the setting of St. George's Church.

6.3. Planning Authority Response

None

7.0 Screening

- 7.1. The proposed development is comprised of the development of a site of a little over 0.5ha in a central urban area with municipal drainage services that was previously subject to works. Its use would be the same as that established on the adjoining lands. It is evident from these circumstances that it would not be likely to have any significant effect on any Natura 2000 site, either in itself or in combination with any other plan or project. So no appropriate assessment issues arise in connection with the proposed development and the submission of an NIS is not required.
- 7.2. The proposed development would comprise the redevelopment of an urban site of just over 0.5ha in an area largely used for business. It would therefore be half the threshold set at section 10(b)(iv) of Part 2 of Schedule 5 to the planning regulations above which an EIA would be required. The site is in a central urban area with municipal drainage services that was previously subject to works. Its use would be the same as that established on the adjoining lands. It is therefore concluded after preliminary examination of the nature, size and location of the proposed development that there is no real likelihood of significant effects on the environment arising from it and the need for EIA can be excluded.

8.0 Assessment

- 8.1. The proposed development would be used as a hospital on the established curtilage of an existing hospital on land that is zoned for such uses. Policy CEE20 of the development plan supports development of the existing hospitals in Dublin. The principle of the proposed use is therefore supported by planning policy. There is no need for an exceptional justification to consider permitting a hospital extension on this site. Nevertheless, the fact that a proposed use is acceptable in principle does not necessarily mean that a particular proposal would be in keeping with the proper planning and sustainable development of the area, as the refusal of permission under PA0024 illustrates. The specific impact of the actual scheme before the board also needs to be considered.
- 8.2. The height of the proposed development is in keeping with provisions of the development plan including the limits set out in section 16.7.2 because the frontage to the street is 24m over the level of Eccles Street, the part of the building within 50m of the street is less than 28m and the height of the remaining part of the building has the same number of storeys as the existing hospital building that it adjoins. The frontage of six storeys above street level would be in keeping with section 1.10 of the building height guidelines. The proposed heights are generally in accordance with local and national policy. They do not require an exceptional or specific justification.
- 8.3. The site is in the north Georgian core of Dublin, notwithstanding that it is just outside the Z8 zone. This area is of the highest architectural and historic importance, and its heritage requires protection. The established use of the site for car parking amounts to urban blight that is redolent of the north inner city's condition in the second half of the 20th century. The appeals set out a cogent basis for their arguments that the proposed modern building would be at odds with the character of the area and so could be regarded as injuring the heritage of this historic area and the setting of the numerous protected structures there. If the board accepts those arguments, then permission should be refused in line with the development plan's policies to protect the north Georgian core and the setting of the protected structures there. The fact that the proposed development is in keeping with the zoning of the site and contains a significant element of retention would not constrain such a course of action.

- 8.4. However I do not agree with the appellants' conclusions in this regard and prefer the position of the applicant and the planning authority. There is adequate information on the file to assess the impact of the proposed development on the area in this regard, despite any minor issues that might arise with photomontages. The character of the northern side of Eccles Street including the site has been profoundly changed by the development of a major modern hospital there. For reasons of architectural, historic and cultural heritage, it is regrettable that the original Georgian terraces that was lost, but an attempt to replicate such a terrace in current circumstances would be quixotic and tend to pastiche. The model provided by the Mater Private Hospital in this regard is not particularly inspiring and would not support a similar approach on the current site.
- 8.5. While the proposed development would have a modern design that would be clearly distinct from the Georgian terraces to its west and across the road, I would concur with the applicant when they argue that it provides an proper design response to Eccles Street with an appropriate transition in height from the street to the existing Whitty hospital building to the rear. The functional justification for a building with a long axis perpendicular to the street, which is that it would allow a building that would join at each level with the existing hospital, is reasonable. The southern elevation would reinforce the frontage along the north side of Eccles Street to an acceptable extent, while the setback from the terrace to the west has the fortunate consequence of emphasising the junction with Nelson Street. The provision of better street frontage on the hospital lands to the east of the appeal site would be desirable. The position and fenestration of the eastern elevation of the would constrain the options for providing such frontage but would not prevent it. The height of the southern façade is appropriate and its detailed design achieves a proper architectural standard. The assertions to the contrary in the submitted appeals are not accepted. The provision of a new entrance to the hospital and a small landscaped area between it and the footpath would improve the vitality and pedestrian experience at street level. While there would be some degree of intervisibility between the proposed building and St. George's Church, it would not have a significant impact on the setting of that protected structure and the assertions on this topic in the appeal from An Taisce are not accepted. It is therefore concluded that the proposed development would improve the character of Eccles Street, and therefore the setting

of the protected structures along the street and the north Georgian core in general. As such it would be not contravene policy SC7 of the development plan, and would be in keeping with policy CHC2.

- 8.6. Condition no. 5 of the council's decision would require curtain glazing on the southern elevation to be replaced with another finish to be agreed with the council. It is noted that the applicant did not appeal that condition. However the condition is not precise and is not recommended that the board repeat such a condition if it grants permission as it would not be clear what finish would actually be authorised if it did so. This report assesses the design shown on the drawings submitted to the council as further information and considers then to be acceptable. Condition no. 11 requires an archaeological impact assessment. Such a requirement would be impracticable and superfluous in this case. Condition no. 18 requires safeguarding measures for the Luas. The site is not that close to the Luas. The current application and appeal do not provide the proper means to address the planning status of the part of the development that has already been carried out, other than to note that carrying out of those works should not affect the consideration of the proposal in the normal manner by the board. Neither would the current application and appeal provide a means to provide reparations for the historic injuries to the architectural heritage of the area including the loss of the fictional Blooms' house.
- 8.7. The proposed development would represent a relatively small extension of the overall Mater Hospital, on which it would rely on for piped services and vehicular access. Its impact on water, drainage and traffic in the area would therefore be slight.

9.0 Recommendation

- 9.1. I recommend that permission be granted subject to the conditions below.

10.0 Reasons and Considerations

- 10.1. Having regard to the location of the site in a central urban area within the curtilage of an existing hospital, to the Z15 zoning objective for community and institutional uses that applies to the site under the Dublin City Development Plan 2016-2022, to the other provisions of the plan including policies CEE20 and CHC2, and to the scale

and design of the proposed development and the pattern of development in the vicinity, it is considered that the proposed development would be appropriately located and would have a positive impact on the character of Eccles Street and the north Georgian core of Dublin and would not detract from the setting of any of the protected structures there. It would therefore be in keeping with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 22nd day of December 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 within six months of the date of this order and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The external finishes and material of the permitted development shall be in accordance with the details submitted with the application and as further information to the planning authority, unless otherwise agreed in writing. Samples of the external finishes on the shall be submitted and agreed in writing by the planning authority prior to their installation on the permitted development.

Reason: In the interests of visual amenity.

3. The treatment of the area between the permitted building and the public street shall be in accordance with the details submitted to the planning authority as further information, unless otherwise agreed in writing with the planning authority. The developer shall submit details of the management of the ambulance bay for the written agreement of the planning authority within six months of the date of this order.

Reason: To protect the amenities of the street and the pedestrian environment upon it.

4. 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.

5. 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 within four weeks of the date of this order. This plan shall provide details of construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste. It shall include the noise attenuation measures set out in the details submitted to the planning authority

Reason: In the interests of public safety and amenity.

6. 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, as amended. The contribution shall be paid within six months of this permission 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

7. . 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 within 6 months of the date of this permisison 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

. Stephen J. O'Sullivan
Planning Inspector

26th May 2022