

Our Ref: 29N.PA0024

Your Ref: Children's Hospital Alliance

New Children's Hospital Alliance
Roisín Healy
18 Park Drive
Ranelagh
Dublin 6

22 FEB 2012

Re: Construction of a 392-bed in-patient plus 53 day care bed
National Paediatric Hospital,
at Eccles Street, Dublin 7.

Dear Madam,

An order has been made by An Bord Pleanála determining the above-mentioned case. A copy of the order is enclosed.

Please be advised that in accordance with the provisions of section 37H(4) of the Planning and Development Act, 2000 as amended a grant of permission under section 37G shall not become operative until payment by the applicant of a sum in respect of costs has been complied with.

Furthermore, section 37H(5) states that where an applicant for permission fails to pay a sum in respect of costs in accordance with a requirement made under subsection 2(c) the Board, the authority or any person concerned (as may be appropriate) may recover the sum as a simple contract debt in any court of competent jurisdiction.

In accordance with section 146(5) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

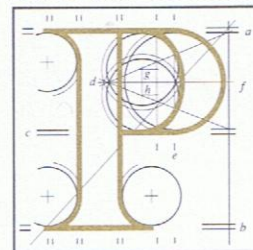
Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,


Kieran Somers
Executive Officer
Direct Line: 01-8737107

PA17.LTR

An Bord Pleanála

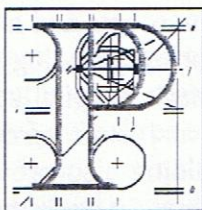


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An Bord Pleanála



STRATEGIC INFRASTRUCTURE DEVELOPMENT

PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

An Bord Pleanála Reference Number: 29N.PA0024

(Planning Authority: Dublin City Council)

APPLICATION for permission under section 37E of the Planning and Development Act, 2000, as amended, in accordance with plans and particulars, including an environmental impact statement, lodged with An Bord Pleanála on the 20th day of July, 2011 by the National Paediatric Hospital Development Board care of RPS Planning and Environment of Westpier Business Campus, Dun Laoghaire, County Dublin.

PROPOSED DEVELOPMENT: Construction of a national paediatric hospital to be known as The Children's Hospital of Ireland at the development site known as the Mater Misericordiae University Hospital campus, Eccles Street, Dublin. The site is approximately 7.2 hectares and is bounded to the south by Eccles Street (including footpaths and street surface in the public realm on Eccles Street), to the east by the Mater Private Hospital and by the rear of properties on Leo Street, to the north by the North Circular Road (including footpaths and street surface in the public realm on the North Circular Road) and to the west by Berkeley Road. The site contains protected structures, namely numbers 30 to 38 Eccles Street and the original stone Mater Misericordiae Hospital building. The Children's Hospital of Ireland hospital building will comprise some 88,797 square metres above ground level (at Eccles Street). The gross floor space of the building will be 108,356 square metres with an additional 35,590 square metres provided for the underground parking of vehicles. The building height above street level (at Eccles Street) will vary from four storeys in the building block fronting onto Eccles Street to sixteen storeys (fifteen storeys plus a level of plant rooms), all over five basement levels (at Eccles Street). The building height will be 94.49 metres Ordnance Datum or approximately 73.89 metres at its highest point above the street level at the entrance forecourt on Eccles Street (the Ordnance Datum in the centre of Eccles Street opposite the entrance is 20.6 metres).

The Children's Hospital of Ireland building will accommodate full clinical facilities for the provision of national tertiary services as well as secondary services for the Greater Dublin Area. These include: emergency department; operating theatres and procedure rooms; consult/examination rooms; out-patients; in-patient care with 392 single bedrooms (this includes 62 critical care beds divided into paediatric and

neonatology intensive care and high dependency beds); day care provision with associated 53 day care beds; associated staff and, servicing and family facilities (including 29 family accommodation rooms and a family resource centre); associated clinical research areas and laboratories; pathology; education and training facilities; therapy areas (gardens and play areas); hospital school; hospital café and restaurant; hospital shop; pharmacy; public and staff circulation spaces; plant and related servicing areas. The proposed building also provides direct linkage through to the adjoining Mater Adult Hospital (currently under construction) located to the north at levels -2, -1, 0, 1, 2 and 3. The development will include a new four-storey covered, landscaped pedestrian entrance forecourt to the new hospital onto Eccles Street. The development will also include works to facilitate the development of the permitted Metro station entrance structure onto Eccles Street. The works proposed in this application are contained in the Metro North Railway Order for which consent has been granted by An Bord Pleanála (reference number PL 06F.NA0003).

The development will provide 972 car parking spaces and 243 bicycle spaces over four basement levels with vehicular (including bicycle) access via the permitted Adult Hospital car park ramp on Eccles Street. There will be a secondary vehicular access and a service yard access to the hospital delivery area from the North Circular Road. The development will include revisions to the planning permission granted by Dublin City Council under planning register reference number 4929/03 as modified by planning permission register reference numbers 2563/05, 5449/07 (An Bord Pleanála reference number PL 29N.226878), 2080/08 and 3655/10 (all relating to the Mater Adult Hospital). The revisions herein will specifically comprise a revised roof to the permitted vehicular access ramp at Eccles Street, as well as associated amendments to part of the permitted Adult Hospital levels -1 and -2 to provide vehicular access into the new Children's Hospital's car park via the permitted Mater Adult Hospital basement car park at levels -1 and -2 and the relocation of a security hut from Eccles Street to the rear of the ramp and associated lane amendments. There is no other change to the development as permitted under Dublin City Council register reference numbers 4929/03, 2563/05, 5449/07 (An Bord Pleanála reference number PL 29N.226878), 2080/08 and 3655/10 save for this revision. The proposal will include associated signage to the Eccles Street frontage at the pedestrian entrance forecourt and the vehicular entrances on Eccles Street and the North Circular Road.

As part of the associated site development works, the development will include the demolition of 11,031 square metres of existing hospital buildings on 3 levels, including the following: three-storey Rosary House (already permitted to be demolished as per planning register reference number 4929/03); two-storey Radiology and Ophthalmology Building and basement sub-station; single storey link from hostel building Radiology Building; two-storey Central Stores Building; two-storey link corridor; single storey link corridor; single storey P.E.T. Scanner building; three-storey Freeman Auditorium Building; three-storey Heart Lung/Gastro Intestinal Unit; three-storey Clinical Sciences, staff cafeteria and kitchen building; single storey outpatients extension building; single storey accident and emergency building off the North Circular Road; boiler room; boiler plant and flue; security hut onto Eccles Street; temporary gas incomer onto Eccles Street; entrance ramp from Eccles Street with single storey technical services buildings underneath; recent extension to rear of number 38 Eccles Street (a protected structure); small single storey projecting bay (not original) on east façade of original stone Mater Building (a protected structure);

single storey ESB building; miscellaneous temporary storage/services buildings/structures; and underground water tanks.

There are proposed works to protected structures which entail the following: removal/demolition of buildings abutting the eastern elevation of the original stone Mater Building (a protected structure) over three storeys including: the demolition of the Radiology Building at level 1 and reinstatement/reconstruction of historic windows and door openings (seven in total); the demolition of the three-storey stairs and lift core at the north end of the main link corridor abutting the east elevation of the original stone Mater Building including reforming of openings, providing new replica windows and restoration of original stone façade; the demolition of the temporary Heart Lung and Gastro Intestinal Building adjacent to the original stone Mater Building including steel support beams built into the wall at plinth level and provision of repairs to the wall; demolition of the modern projecting bay located at the north-east end of the original stone Mater Building eastern elevation over three levels and the reconstruction of the original window openings at each level; the demolition of the two-storey canteen building and restoration of the original façade (including possible historic cut stone window surround at Level 2 of the eastern elevation); the removal of aspergillus protection ventilation services impacting on the east elevation of the original stone Mater Building and reinstatement of the original historic windows on Level 2 and 3; the removal of the air handling unit, surface mounted ducting and associated pipe work from the void between the original stone Mater Building and Heart Lung and Gastro Intestinal Building, and the affected window at Level 2 to be restored; the removal of surface mounted building services on the facades of numbers 30 to 38 Eccles Street (all protected structures); the provision of a new link bridge between the new Children's Hospital and the eastern façade of the original stone Mater Building at Level 1 requiring the widening and demolition of the existing window, the link will comprise a light weight glazed steel frame (designed as far as possible to be reversible); the demolition of a wall and associated structures to the north-west of number 37 Eccles Street (to be replaced with a modern retaining wall); the demolition of existing added structures to the rear of number 38 Eccles Street (a protected structure) back to the line of the existing lift core at its basement and levels 1 and 2 and the add-on structure at Level 2 to the east of the lift core and rebuilding and making good the original façade to match existing rendered masonry finish to include new window opes to match existing adjacent window opes; the removal of an internal staircase from ground floor to basement and the extension of the original staircase to basement level within the original stairwell; the demolition of a concrete stair to the rear of number 35 Eccles Street (a protected structure) (escape route will be diverted internally to exit at Level 0); the demolition of an abutting masonry structure and partly rendered stone garden wall at south-eastern (rear) corner of number 30 Eccles Street (a protected structure); provision of a new landscaped area between the new Children's Hospital and the east elevation of the original stone Mater Building at ground floor level to link Eccles Street to the North Circular Road which will require the alteration of ground floor levels to provide ramped and stair access for pedestrians with a new retaining wall along the length of the east elevation of the original stone Mater Building; demolition of a section of the boundary wall onto the North Circular Road to facilitate the new secondary car park access ramp for the new hospital and replacement with car park entrance with signage and a railing to match the new Mater Adult Hospital's permitted sliding gate. Lastly, the proposal includes the provision of a temporary link corridor on four steel frame legs connecting

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Level 4 of the existing Phase 1A Adult Hospital Block to second floor of the original stone Mater Building – this temporary corridor will be required during the construction period only and will be removed when the Children's Hospital of Ireland is completed.

The proposal includes external terraces at the eastern and western ends of the new Children's Hospital of Ireland building on levels 10 to 14 and roof gardens at roof levels 6, 7, 8, 9, 10 and 15 variously facing north, south, east and west. The proposal also includes public realm works along part of Eccles Street to the following sections of pavement: the pavement directly in front of the new Children's Hospital of Ireland between 37 Eccles Street and The Mater Private Hospital (which will be designed with granite paving 'slabs to integrate with the existing historic paving of the street); the pavement in front of numbers 30 to 37 Eccles Street (existing historic paving slabs will be lifted and relayed in subsided areas with minor repairs and re-pointing carried out as necessary, with modern interventions to the paving at the bus stop to comply with safety regulations); the pavement in front of numbers 49 to 67 Eccles Street (which will repair the pavement to match the historic paving of street). The light standards on Eccles Street in front of the proposed site for the new Children's Hospital of Ireland will be temporarily removed to facilitate the construction works and will be reinstated on completion of the new hospital.

The proposal will also include associated road works on Eccles Street and the North Circular Road to facilitate new vehicular access arrangements into the new hospital, including new traffic lane arrangements (including new left and right turning lanes and signalised junction on Eccles Street to facilitate access to the basement car park, new signalised junction at Berkeley Road/Eccles Street junction, and a new signalised junction into the basement car park on North Circular Road), revised set down and loading areas, amendments to bicycle lanes, bus lanes, bus stop locations, new taxi rank, pedestrian crossings, the removal of 54 on-street car parking spaces, and all associated road signs, lights, changes to road surfaces and road markings. The proposal includes for all associated construction works, site development works (including underground works to facilitate a geothermal heating system), landscaping works (including public lighting) and services works. Planning permission is sought for a duration of seven years.

DECISION

REFUSE permission under section 37G of Planning and Development Act, 2000, as amended, for the above proposed development based on the reasons and considerations under.

DETERMINE under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs 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 the submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

The proposed Children's Hospital of Ireland, by its nature, requires a substantial floor area, in excess of 100,000 square metres, to accommodate the operational needs of the hospital. However, the footprint afforded to the proposed development on the Mater Campus, (circa 2 hectares), has resulted in a proposal for a very significant building in terms of bulk and height, including a 164 metre long ward block, rising to 74 metres above ground. Notwithstanding the general acceptability of the proposal in terms of medical co-location on this inner city hospital site, it is considered that the proposed development, by reason of its height, scale, form and mass, located on this elevated site, 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. The proposed development would contravene policy SC18 of the Dublin City Development Plan, 2011-2017, which seeks to protect and enhance the skyline of the inner city and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city.

Furthermore, the development as proposed, notwithstanding the quality of the design, would be inconsistent with, and 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.

Having regard to the site masterplan for the Mater Campus submitted with this application, it is also considered that the proposed development, as configured, would constitute overdevelopment of the site.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

SCHEDULE OF COSTS

In accordance with section 37H of the Planning and Development Act 2000, as amended, the Board requires the following reasonable contribution to be paid by the applicant towards costs incurred by An Bord Pleanála, the Planning Authority and by persons who made submissions/observations to the Board in its consideration of the application:

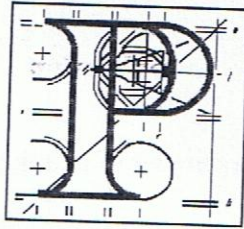
To An Bord Pleanála	€101,691.00
To Dublin City Council	€12,894.00
To Tony Barry and others	€5,000.00
To Mountjoy Square Society	€6,000.00
To Aileen Morris	€62.50
To Blend Residents Association	€192.00
To Rita White and Terry Mallin	€61.00
To New Children's Hospital Alliance	€2,500.00
To Mary W. Gallagher	€37.00

A breakdown of the Boards costs is set out in the attached Appendix 1.

Mary Mac Mahon

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

Dated this 21st day of February, 2012.



Board Direction

Ref: PA 0024

The submissions on this file and the Inspector's report were considered at a series of Board meetings, comprising all Board Members, held on the 7th, 8th, 9th and 16th of February, 2012.

At a further meeting on the 20th of February, 2012, the Board decided by a 3:1 majority, to refuse permission generally in accordance with the Inspector's recommendation, for the draft reasons and considerations as set out below.

DRAFT REASONS AND CONSIDERATIONS

The proposed Children's Hospital of Ireland, by its nature, requires a substantial floor area, in excess of 100,000 square metres, to accommodate the operational needs of the hospital. However the footprint afforded to the proposed development on the Mater Campus, (circa 2 hectares), has resulted in a proposal for a very significant building in terms of bulk and height, including a 164 metre long ward block, rising to 74 metres above ground. Notwithstanding the general acceptability of the proposal in terms of medical co-location on this inner city hospital site, it is considered that the proposed development, by reason of its height, scale, form and mass, located on this elevated site, 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. The proposed development would contravene policy SC18 of the Dublin City Development Plan, 2011-2017, which seeks to protect and enhance the skyline of the inner city and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city.

Furthermore, the development as proposed, notwithstanding the quality of the design, would be inconsistent with and 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.

Having regard to the site masterplan for the Mater Campus submitted with this application, it is also considered that the proposed development as configured, would constitute overdevelopment of the site.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: The Board noted that the Inspector had recommended a number of additional reasons for refusal of the proposed development.

In respect of recommended reason No. 1, the Board had regard to the Phibsborough/Mountjoy Local Area Plan 2008, which provides for a children's hospital on the Mater Campus, and considered that the Local Area Plan was sufficiently flexible in relation to development options for this site and therefore did not agree with the Inspector that the proposed development would contravene this plan.

The Board's considerations in relation to recommended reasons Nos 2 and 3 are encapsulated in the reason for refusal.

In regard to recommended reason No. 4, the Board considered, given the central and accessible location of the site, that the quantum of car parking proposed, subject to operational management measures, would be acceptable.

COSTS

The Board determined that the costs to be paid by the applicant to ABP should be €101,691 and €12,894 to Dublin City County Council. The Board determined that a contribution of €13,852.50 be paid to third parties as set out in the following table, having regard to the contribution these parties made to the deliberations and considerations of the Board, as reflected generally in the decision, as set out above.

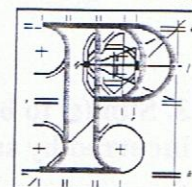
	Name of Person	
(1)	Tony Barry and others	€5,000.00
(2)	Mountjoy Square Society	€6,000.00
(3)	Aileen Morris	€62.50
(4)	Blend Residents Association	€192.00
(5)	Rita White and Terry Mallin	€61.00
(6)	New Children's Hospital Alliance	€2,500.00
(7)	Mary W. Gallagher	€37.00

Please issue a copy of this direction with the order.

Board Member:

Mary Mac Mahon
Mary Mac Mahon

Date: 20th February, 2011



Appendix 1.

Strategic Infrastructure Development

Cost of determining the Application.

File No. 29N.PA0024

Brief Description of Development: Construction of a 392-bed in-patient plus 53 day-care bed National Paediatric Hospital at Eccles Street, Dublin 7.

Costs incurred by the Board in determining the application.

Board's Costs		
(1)	Cost based on Inspector's time Inspector 1 (pre-application consultation) - €22,445 Inspector 2 (application) - €168,045	€190,490
(2)	Costs invoiced to Board	€13,051
(3)	Total chargeable costs	€203,541
(4)	Application fee paid	€100,000
(5)	Observer Fees paid	€1,850
(6)	Net amount due to be paid by applicant, or	€101,691
(7)	Amount due to be refunded to applicant	

2. Sum(s), which the Board considers reasonable, to be paid by the applicant to the planning authority or planning authorities.

Name of Planning Authority		
(1)	Dublin City Council	€12,894

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3. Sum(s) to be paid by the applicant to other persons as a contribution to the costs incurred by such persons during the course of consideration of the application.

	Name of Person	
(1)	Tony Barry and others	€5,000.00
(2)	Mountjoy Square Society	€6,000.00
(3)	Aileen Morris	€62.50
(4)	Blend Residents Association	€192.00
(5)	Rita White and Terry Mallin	€61.00
(6)	New Children's Hospital Alliance	€2,500.00
(7)	Mary W. Gallagher	€37.00

Mary Mac Mahon

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

Dated this 21st day of February, 2012.