



An
Bord
Pleanála

Inspector's Report ABP-308717-20

Development	Installation of a Relocatable MRI Unit and the installation of a Modular Clinical Support Unit.
Location	Kingsbridge Private Hospital, Ray MacSharry Road, Gardenhill, Sligo.
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	20301
Applicant(s)	Alliance Medical Diagnostic Imaging Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	David Tobin
Observer(s)	None
Date of Site Inspection	18 th February 2021
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.059ha and is located in the north-western corner of the larger Kingsbridge Private Hospital grounds, which is located approximately 0.5km southwest of the centre of Sligo Town, on the western side of the N4 Inner Relief Road, also known as the Ray McSharry Road.
- 1.2. The subject site forms part of the existing hospital car park, located along the western boundary of the site, extending to the south and is relatively flat with a slight slope downward towards the east. The site is accessed via the existing entrance on the Ray MacSharry Road (N4) and then via existing internal roadways which provide access to the carpark and also to the front of the main hospital building.
- 1.3. The site is well screened by a c.2m high boundary wall and existing mature hedging as well as mature trees along the boundaries of the adjoining lands on the western and northern sides. The site is surrounded by community and healthcare land uses with St. Michael's Family Centre located on the adjoining site to the north and Nazareth House residence care home to the south and southwest.

2.0 Proposed Development

- 2.1. The proposed development is to comprise:
 - The installation of two prefabricated single storey structures (123.5sq.m in total area) detailed as follows:
 - A relocatable MRI Unit (63sq.m in area and 3.2m in height)
 - A Modular Clinical Support Unit (56.5sq.m in area and 3.2m in height)
 - Both structures will be connected internally via a link corridor on the southern side.
 - And all associated site works and services with existing storm and foul drainage systems on site to be utilised.
- 2.2. The applicant states that the proposed facilities are a mid-term solution to meet the current demand for additional diagnostic services while planning the future development of the site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant planning permission subject to 4 no. conditions was issued by Sligo County Council on 23rd October 2020.
- 3.1.2. Condition no. 2 limited the planning permission to a temporary period of seven years only.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The recommendation to grant permission in the planning officer's report (dated October 2020) reflects the decision of the planning authority and the following is noted:

- The proposed development aims to expand and improve an existing healthcare facility on site to address a specified need.
- It is considered that the proposed development would be consistent with the 'Community Facilities' zoning for the subject site and the policies of the Sligo and Environs Development Plan and the County Development Plan – therefore no objection in principle.
- A temporary permission (7 years) should apply in order to ensure the development is consistent with the previous application on the hospital grounds (P.A. Ref. 17/472).
- No significant adverse effects on the amenities of the area are expected.
- It is not considered the proposed development will generate any significant additional traffic volumes or additional parking requirements.
- The comments received from Irish Water requesting further information in relation to the separation of storm and foul water network were noted. Having regard to the limited scale and nature of the proposed development, it was considered that there would not be significant volumes of surface water generated by the proposal when compared to the existing developed site. It

was therefore considered that these matters could be dealt with by way of condition.

- In response to the submissions received the planning authority stated that the proposed use was not considered to be an intensification of use and no issues in relation to parking or impacts on residential amenity would arise.

3.2.2. Other Technical Reports

- Area Engineer, Sligo County Council (SCC) - report dated 06/10/20 - no objection subject to conditions.
- Executive Engineer, Water Services, SCC – report dated 06/10/20 stated the following:
 - No indication on submitted plans regarding proposals for storm, foul or water services. As the development requires increases in water and foul requirements, a request was made to Irish Water to issue a report in respect of this development.

3.3. Prescribed Bodies

- Irish Water – Response received dated 13/10/20 – requested further information to include: drawing to show separation of storm and foul network within the site. Disposal method of stormwater to be included and location for connections to be indicated.

3.4. Third Party Observations

- 3.4.1. One third party observation was received from Mr. David Tobin. The concerns and objections raised are as per the grounds of appeal and are detailed under Section 6.1 below.

4.0 Planning History

On larger hospital site:

- P.A. Ref. 20393 Sligo County Council (SCC) – Permission sought for (a) the construction of a 2 storey theatre block 3,714 m², (b) the construction of

external stores 66 m², (c) the expansion of existing carpark to provide total of 96 spaces, (d) the construction of an ESB Sub Station, (e) alterations to public boundary wall along Ray MacSharry Road, alterations to existing site entrance, and other associated site works and services. Further information requested by the planning authority on 20th January 2021.

- P.A. Ref. 17472 SCC – Permission granted on 16th February 2018 for development consisting of the erection of 1 no. single storey prefabricated Endoscopy Unit total area 248sq.m along with all associated site works.
 - Condition No. 2 limited the permission to a temporary period of seven years only.
- P.A. Ref. 17202 SCC – Permission granted on 14th July 2017 for demolition of two existing dwellings and all associated site works.
 - Condition No.2 – site area not to be used for additional car-parking unless otherwise granted on foot of a separate permission.

5.0 Policy Context

5.1. Development Plan

5.1.1. The proposed development is subject to the policies of the Sligo County Development Plan 2017-2023 and the Sligo and Environs Development Plan 2010-2016.

5.1.2. **Section 3.5.1** of the Sligo County Development Plan states that “*The zoning and objectives contained in the SEDP are incorporated as statutory provisions into this County Development Plan (2017-2023) and shall remain unchanged until the adoption of a local area plan for Sligo and Environs*”.

5.1.3. The current site is zoned ‘CF – Community Facilities’ under the Sligo and Environs Development Plan, with an objective to:

Protect existing facilities or retain existing uses and provide for the establishment of new/additional community and institutional uses, such as schools, community centres etc. Cemeteries, church yards, allotments and other similar uses will be accommodated on lands zoned for community facilities.

5.1.4. Policies relevant to the proposed development include the following:

Chapter 8 – Community facilities

Policy GP-CF-1 - Assist as far as possible in the provision of community facilities by reserving suitably-located land, by assisting in the provision of finance for their development (where appropriate and if resources are available), and/or by the use of the development management process to ensure provision is made for such facilities as the Councils consider appropriate.

Policy GP-CF-2 - Encourage high standards in the design and finish of community facilities.

Policy GP-CF-6 - Encourage the siting of community facilities in suitable locations, especially within large residential / neighbourhood areas, or in close proximity to existing facilities / services and public transport routes.

Policy GP-CF-7 Work with relevant agencies in identifying areas for the provision of quality social infrastructure.

Policy P-CF-HSC-2 Encourage the integration of health services and facilities with new and existing community facilities, where feasible.

Policy P-CF-HSC-3 Promote the location of health services and care facilities on sites convenient for pedestrian access and public transport.

Policy P-CF-HSC-5 Support existing healthcare facilities in their plans to develop and expand.

Chapter 13 - Development management standards

Section 13.8.5 Car parking requirements, layout and design

Table 13.C Carparking standards -1 car space per bed is required for hospital class of development.

5.2. Natural Heritage Designations

5.2.1. The nearest Natura 2000 sites to the appeal site are as follows:

- Lough Gill SAC (Site Code: 001976) is located c.600m north east of the appeal site.

- Cummeen Strand SPA (Site Code:004035) is located c.800m north of the appeal site.
- Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site Code:000627) is located c. 800m north east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. One third party appeal was lodged by Mr. David Tobin. The grounds of the appeal can be summarised as follows:

Principle of use:

- The need for the proposed development is not discussed in the application other than to claim it is needed to reduce waiting times for scanning in the area. There is no evidence to back up the planning officer's claims and the applicant in this instance does not appear to be the hospital but a third party.
- The development of another MRI unit is unnecessary as there is already a well-run MRI unit in the Regional Hospital which is also available for private use with no waiting times.
- The new proposed unit if permitted will compete with the existing unit for private patients and this will undoubtedly affect the funding of the existing unit which is clearly underpinned by its use by private patients. This in turn could result in the MRI unit in the Regional Hospital closing.
- The seven-year temporary permission seems entirely arbitrary and no justification has been given by the planning officer for same.

Nature & Location of Use:

- The planning officer's statements in relation to the temporary visual impact on the amenities of the area is contradictory.
- The application was not for a temporary permission.
- These types of uses should be located within the hospital building or should at least be linked to it rather than separately provided in the car park.

- The development would not be in keeping with the established pattern of use on the site.
- Clearly this development is intended to be used as a standalone business. The unit is not an ancillary use to the existing hospital.

Traffic and Parking:

- As the proposed unit is separate from the existing hospital it will remove at least eight existing car parking spaces from use within the general hospital grounds. No comment is made by the planning officer on the loss these car parking spaces, and no assessment has been made of the overall parking demand for the hospital in combination with the MRI unit.
- No road safety audit has been requested or prepared.
- The southeastern most corner of the building will protrude out into the roadway linking the car park to the rest of the hospital grounds thereby creating a conflict between pedestrians and cars.

Inaccuracies in Drawings Ignored:

- The submitted sections show the proposed building will be located some 750mm above existing ground level floating in the air. The elevations of the buildings do not accurately show this and are misrepresentative showing the buildings on a flat site.
- The development will be visually intrusive and entirely out of character with the area.

Drainage:

- No details of how the proposed toilet facilities are to be linked to the existing drainage system nor details of surface potable or foul water connections have been submitted.
- This fact was also highlighted by the Water Services Department of the Council in their reports to the planning officer. However, the planning officer largely ignores the report's conclusion that further information should be requested.

6.2. Applicant Response

- 6.2.1. A response to the appeal was lodged by McCutcheon Halley Planning Consultants on behalf of the applicant on 15th December 2020 and addresses each of the matters raised under the appeal as follows:

Principle of Use:

- The development is to be used on an interim basis pending the completion of the more permanent accommodation to be provided in Phase 3. The application for the relocatable MRI unit and modular clinical support unit forms Phase 1 of the proposed masterplan. Phase 2 incorporates the development of the new theatre block (P.A. Ref. 20/393) and Phase 3 will provide a new imaging suite that will replace the relocatable MRI provided in Phase 1. Discussions regarding the proposed masterplan were originally carried out with Sligo County Council in 2019.
- The use has been identified as acceptable under the objectives and land use zoning provided under the County Development Plan and the proposal is compatible with the existing hospital development.
- There is an acute need for an additional MRI facility in Sligo. The applicant provides evidence which states that on two dates in November 2020 the waiting time for a private MRI scan by the private provider Affidea in Sligo Regional Hospital was approximately 2 to 3 weeks. However, there is an 18-month waiting list for the HSE public MRI scans.
- A recent HSE tender highlighted the need for an additional MRI service to be provided for GP practices in CHO Area 1B Donegal, Leitrim and Sligo to the volume of 250 scans per month. The demand for diagnostic imaging has increased by approximately 10% per annum and there is currently a capacity deficit in the region given that only one MRI scanner in Sligo Regional Hospital serves the needs of all patients for the wider region. COVID-19 has also increased the backlog of appointments which will increase demand for MRI scans.

- The proposed development will be operated by Alliance Medical in partnership with Kingsbridge Private Hospital and will facilitate imaging for patients attending the private hospital.
- The applicant also highlights that it is not the function of the planning system to inhibit the provision of services especially acute health services on the perception that these services are already catered for.
- The proposed development will improve health care services accessibility which has been supported by Sligo County Council under policies P-CF-HSC-2 and P-CF-HSC-5.
- As stated in the cover letter submitted as part of the planning application the proposed development provides an interim solution to address the demand. The subject site forms part of the proposed masterplan and envisages a 7-year development timeline hence the practicality of the temporary permission. P.A. Ref. 17/472 for a prefabricated endoscopy unit was made under the same premise.

Nature and Location of Use:

- The proposed development is discreetly located along the western boundary of the hospital complex and will not impact visually on the remainder of the hospital grounds.
- An existing footpath connects the existing car park with the hospital and will also safely connect the proposed MRI unit. It is not possible to locate the MRI scanner within the existing hospital at this juncture, hence the requirement for this application.

Traffic and Parking:

- The proposed structure will result in the loss of 6 car spaces and not 8 as implied by the appellant. And the proposed unit will have an ancillary use to the main hospital.
- The parking standards set out in the Development Plan for a hospital use requires 1 car space per bed. Currently there are approximately 65 parking spaces on the subject site, with an additional 31 car spaces to be provided as

part of Phase 2 of the Masterplan if permitted, as well as dedicated bicycle parking.

- The area engineer raised no objection in relation to traffic and transport associated with the development.

Inaccuracies in Drawings:

- The section drawing (Drawing no.20048.A.008) demonstrates the slope of the existing ground on site in relation to the proposed structure. The drawing depicts the difference between the finished floor level and the existing ground which at its highest point will be 750mm. The submitted drawings were deemed to be satisfactory by Sligo County Council.

Drainage:

- As outlined as part of the application, the development proposes to connect to the existing water, surface water and foul services on site. Further information, including service drawings (see Appendix B of response to appeal) showing proposed drainage and water main layout have been submitted by the applicant regarding the connection to foul and storm drainage.
- In addition to this the planning authority reviewed the items requested by Irish Water and noted the proposed development was minor in nature and that no additional volumes of surface water would be generated by the proposed development due to its existing location on a hard standing (tarmac) area.
- It is considered that Condition No.4 (f) attached to the permission, addresses the concerns raised by the third party.

6.3. Planning Authority Response

- None received within appropriate period.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having

inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development and Temporary Use
- Visual Impact
- Carparking
- Drainage
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

7.3. **Principle of Development**

- 7.3.1. The subject site is zoned 'CF – Community Facilities' under the Sligo and Environs Development Plan (SEDP) 2010-2016 which is incorporated as a statutory provision into the Sligo County Development Plan (2017-2023). The zoning objective specifically provides for the establishment of new/additional community and institutional uses on lands zoned for community facilities. Policy P-CF-HSC-2 of the SEDP encourages the integration of health services and facilities with new and existing community facilities, where feasible and Policy P-CF-HSC-5 seeks to support existing healthcare facilities in their plans to develop and expand. Given the proposed location of the MRI unit within the existing hospital grounds of the Kingsbridge Private Hospital Grounds I would consider the use acceptable in principle and compatible with the existing hospital development on the larger site.
- 7.3.2. The applicant outlines in their response to the submitted 3rd party appeal that the application for the relocatable MRI unit and modular clinical support unit forms Phase 1 of the proposed masterplan. Therefore, the proposed development is to be used on an interim basis pending the completion of the more permanent accommodation to be provided in Phase 3 if permitted. Phase 2 incorporates the development of the new theatre block, which is currently under assessment by the planning authority under P.A. Ref. 20/393. Phase 3 will provide a new imaging suite that will replace the relocatable MRI to be provided as part of Phase 1 (current proposal).
- 7.3.3. I note Condition No.2 attached to the planning authority's decision limits the permission to a temporary period of seven years only. The appellant queries this

temporary period, citing that no discussion as to why this is necessary has been presented by the applicant. The applicant in response states that it was stated within the cover letter submitted with the application that the proposed development provides an interim solution pending the future development of the site. The applicant further details in their appeal response that the proposed masterplan envisages a 7-year development period for the future proposed development i.e. masterplan and that these plans have been discussed previously with Sligo County Council. In addition, I note under a previous application on site, P.A. Ref. 17/472, that a temporary permission was granted by SCC in 2018 for a prefabricated single storey endoscopy unit also for a temporary period of 7 years. This again seems logical given the long-term plans for development on the site. Therefore, in conclusion I would agree with the planning authority that the application of a temporary planning permission on the structure is reasonable in this case and that the period of 7 years is justified given the future plans for development on the site.

- 7.3.4. The appellant submits that no evidence has been submitted as part of the application to justify the need for this additional MRI unit within Sligo. He notes that an existing MRI unit exists within the Regional Hospital in Sligo which is also available for private client use with no waiting times. The applicant in response to the appeal has provided justification for the additional MRI unit and provided details of waiting list delays of up to 18months for patients requiring public MRI scans. The applicant also highlights that it is not the function of the planning system to inhibit the provision of services especially acute health services on the perception that these services are already catered for. I would agree with the applicant on this point and consider the assessment of the current proposed development is contingent on the compliance of same with the policies and objectives listed within the Development Plan and the suitability of the development from a planning perspective.

7.4. Visual Impact

- 7.4.1. The appellant submits that the proposed development is haphazard, out of character and visually intrusive at its proposed location. In addition, they state that there are inaccuracies in the drawings submitted, and that inconsistencies were noted between the section drawings (DRG. NO. 20048.A.003) which show the buildings suspended above ground level and the elevational drawings (DRG. NO. 20048.A.100) which misrepresent the height of the buildings on the sloping site.

7.4.2. The applicant states in their response to the appeal that it is not possible to locate the MRI scanner within the existing hospital building at this juncture and therefore they seek to erect two connected temporary modular type prefabricated structures in the north-western corner of the larger private hospital site. The site is well screened on both the western and northern sides by an existing c.2m tall stone wall and mature hedging. In addition, mature trees on the adjoining site on the other side of this site boundary wall provide further screening on the structures. On site visit I noted that the site sloped downward from west to east. The submitted section drawings (DRG. NO. 20048.A.003) demonstrate this slope adequately, showing the difference between the finished floor level and the existing ground level which at the highest point will be 750mm. While I note that the 'side elevation' drawings (DRG. NO. 20048.A.100) do not depict this slope, I am satisfied that the drawings submitted provide sufficient information to assess the proposal adequately. In my opinion the proposed structure which has a height of c.3.2m to roof level, will not result in any significant visual impact within this area of the site. The proposed development is to be located in one of the more secluded areas of hospital grounds and when entering the overall hospital site off the N4 would be partially screened by an existing stand of mature evergreen trees located to the southeast of the site. The proposed development is an interim solution and if the Board are minded to grant permission I would suggest a condition is attached which limits its use to 7 years to allow for future development of the site to be explored further as discussed above.

7.5. Carparking

- 7.5.1. The proposed development is to be located within the existing car park area to the rear (western part) of the larger hospital site. The applicant has stated that the MRI unit will result in the loss of 6 car spaces and that the remaining car parking provision on site will be adequate to deal with demand.
- 7.5.2. Table 13.C Carparking standards of the Sligo County Development Plan outlines the requirements for various classes of development with 1 car space per bed required for hospital use. The applicant states that currently there are approximately 65 parking spaces on the hospital site and the applicant highlights that an additional 31 number car spaces will be provided as part of Phase 2 of the masterplan if permitted (P.A. Ref. 20/393). I noted on the day of site visit that approximately 50% of the car parking spaces were empty. In conclusion, I would consider that even if the

additional 31 future proposed car spaces are not provided, the proposal will not create such a demand as to impact the existing supply of carparking on site or impact on hospital visitors.

- 7.5.3. In response to the appellant's concerns regarding pedestrian and traffic safety, the applicant has stated that there is an existing footpath which connects to the existing car park, which would ensure safe connection to the hospital and the proposed MRI unit. I consider this pedestrian access from the main hospital satisfactory.
- 7.5.4. I note from the submitted Site Plan (DRG. NO. 20048.A.002) that the proposed structure will project 2.5m to the east beyond the existing car spaces on site, however a roadway width of 5.075m will remain to allow vehicular connection between the rear carpark and the front of the main hospital building. Given that another exit is available from the rear car park on the southern end and also the fact that the main hospital can also be accessed alternatively via an eastern access road, and the fact that a two way system exists throughout the site, I see no significant issues in relation to access or vehicular movement. The proposed development is therefore considered acceptable from a traffic and pedestrian access perspective.

7.6. Drainage

- 7.6.1. The appellant states that no details were submitted with the application regarding how the proposed toilet facilities are to be linked to the existing drainage system. As part of the appeal response (Appendix B) the applicant has submitted service drawings detailing the proposed drainage and water main layout for the development. I would consider these arrangements adequate.
- 7.6.2. In addition, I would agree with the planning authority in their assessment of surface water on site. The proposed development is to be located on an area of existing hard standing (tarmac) and therefore will not cause any additional increase in surface water on site. If the Board are minded to grant permission, details of the precise proposals in relation to surface water collection and disposal can be dealt with by way of condition.

7.7. Appropriate Assessment

- 7.7.1. Having regard to the minor nature and scale of the development, and the separation distance to any European site, no Appropriate Assessment issues arise, and it is not

considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be **granted**, subject to conditions as set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the 'CF – Community Facilities' zoning for the area and the provisions of the Sligo County Development Plan 2017-2023, and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and by the further plans and particulars received by An Bord Pleanála on the 15th day of December, 2020, 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. This permission shall be for a period of 7 years from the date of this order. The structure shall then be removed and the site shall be reinstated to its

former condition, unless, prior to the end of the period, planning permission is otherwise granted for a further period.

Reason: To allow for a review of the development having regard to the circumstances then pertaining and in the interest of orderly development.

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

Reason: In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 amenities of property in the vicinity.

5. 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.

Máire Daly
Planning Inspector

12th March 2021