

An Bord Pleanála



Inspector's Report

Application under section 146B of the Planning & Development Act 2000 as amended.

Proposed alterations to previously permitted 120 bed facility at the National Rehabilitation Hospital – (Case Reference Number: 06D.PA0039) Rochestown Avenue, Dun Laoghaire, Co. Dublin.

Planning Authority: Dun Laoghaire Rathdown County Council

Requester: National Rehabilitation Hospital

Location: Rochestown Avenue, Dun Laoghaire

Site Visit: 2nd March and 14th December, 2017

Inspector: Mary Kennelly

1.0 INTRODUCTION

- 1.1 The requester was granted permission, under 06D.PA0039, for the construction of a new purpose built 120-bed facility and associated facilities at the National Rehabilitation Hospital on the campus of the existing hospital at Rochestown Avenue, Dun Laoghaire.
- 1.2 A pre-application consultation case was lodged with the Board earlier this year, (06D.PC0243). One meeting was held on 3rd March 2017. However, the prospective applicant withdrew from the pre-application consultation process in August 2017. The requester is now submitting this request to An Bord Pleanála, pursuant to section 146B of the Planning & Development Act 2000 (as amended), for alterations to the terms of that permission.
- 1.3 It is proposed to amend the permitted development comprising alterations to floor plans including the extension of a coffee shop into the courtyard, demolition of a building within the car park, expansion of roof plant with additional screening alterations and amendments to the utility services within the site, relocation of the temporary construction compound and a slight adjustment to the red line boundary.
- 1.4 It was noted during my December site inspection that works had commenced on site.
- 1.5 **The main changes proposed are as follows:**

1. Site boundary revision and landscape buffer

An area of land to the east of the site, which is just outside the red line boundary, (but within the blue line), has recently come back under the control of the applicant. It is therefore proposed to extend the boundary of the site by approx. 3m to the east in order to incorporate an additional landscape buffer, bring the area of the buffer zone to c.1,206m². It is stated that this landscape area will provide a buffer zone between the permitted building and any future development on the site to the east.

2. Demolition of Villa Maria building

This single storey building (135m²) is located at the eastern edge of the existing visitors' carpark, just to the south of Rochestown Avenue. It would be situated immediately in front of the new bedroom wing, at the edge of the permitted disabled car park and just to the southwest of the permitted new site entrance. It is currently used as a pre-discharge training unit, an activity which would be relocated within the hospital during the construction phase, pending the completion of the 'Independent Living Unit'.

The Requester has stated that aesthetically, the building would sit uncomfortably in front of the permitted new building. It is further stated that its removal would facilitate improved circulation and parking layout without impacting on the number of parking spaces or the permitted entrance. There would, however, be minor changes to the permitted landscaping layout.

3. Extension of coffee shop into internal courtyard and changes to balcony

The permitted building includes an internal café at its western end, at Level 01, which opens out into an ancillary internal courtyard. It is proposed to extend the seating area by c. 50m² into the café courtyard and the open space lost at Level 01 would be compensated by extending the open terrace above at Level 02. The proposed alteration affects a minor change to the floor area of the café and to the internal courtyard elevations.

It is also proposed to remove a permitted balcony area at Level 03 along the southern internal courtyard. The proposed alteration affects a minor change to the floor area of the café and to the internal courtyard elevations.

The Requester submits that the proposed alterations to the café, terrace and balcony do not result in any material changes to the external appearance of the permitted building.

4. Changes to internal plan layouts and external building elevations including changes to entrance lobby

The permitted scheme included a canopied entrance lobby on the northern elevation of the new building. It is now proposed to enclose the entrance by incorporating additional glazing and glazed entrance doors to the lobby and removal of a perforated panel.

It is further stated that it is proposed to undertake a number of minor changes to the internal plan layouts, following a series of consultations with the hospital staff in the interests of patient care and the flow of service. It is stated that these changes do not alter the form or massing of the building but will require minor adjustments to window and service utility placement, marginally affecting the external north, east and west elevations.

5. Reconfiguration of roof plant

The permitted development included plant at roof level with a sedum roof at the main roof level (Level 04). The plant areas were contained within 3 main areas, the principal one being a T-shaped area in the centre of the permitted building (on either side of the voids to the courtyards below). A further smaller area of plant was located in the south-western corner of the building, between the western courtyard and café courtyard voids and surrounding a

smaller courtyard void to the southwest. It is stated that design development of the ventilation systems, the façade and the internal areas has resulted in a need for increased mechanical ventilation to areas such as the café, the sports hall and circulation areas.

The proposed additional plant areas include the extension of the top of the 'T' parallel with the front building line. However, the plant area in the south-western corner is consolidated into a smaller area to the south of the small void. Thus most of the permitted/proposed plant area is located along the front of the building and in the central part of the roof, between the courtyards. The proposed alterations involve the loss of sedum roof and it is now proposed to provide additional sedum roof on the roof of the T-shaped plant area to compensate. It is also proposed to provide screening to all plant areas. This will necessitate moving the permitted section of the northern plant wall forward by 575mm to accommodate the screen detail. However, the remainder of the proposed plant would be screened by powder coated metal screens and would be lower in height and marginally more recessed.

6. Changes to bin storage areas

The permitted bin storage area is located at the southern end of the site, to the west of the existing entrance from Pottery Road, approx. 70m back from the road frontage. The new bin storage area relocates the existing waste management area to facilitate the extension of a new access road and cycle path from Pottery Road. However, certain changes to the layout of the bin storage area are required in order to comply with recent changes to waste disposal and waste separation operational requirements, as requested by the HSE. The siting of the bin storage area remains the same but the following changes are proposed:

- Increase bin storage area by 43m² (to total area of 196m²) to improve monitoring of waste disposal and generation. No increase in the quantity of waste generated is expected.
- Insert new corrugated roof to protect storage and maintenance areas.
- Add 1 no. new entrance to the south of the bin storage area to accommodate storage of maintenance equipment and machinery for grounds keeping.

7. Proposed MV substation and gas skid

The permitted layout includes a generator building, a switchroom building and a backfeed building directly adjacent to the compound containing the permitted bin storage area. Since permission was granted, the ESB has

requested that a supply from a substation on the site be provided rather than the previously proposed supply from the Medium Voltage Supply on the public road. It is stated that this would require a new MV route from the Amgen substation (on the site to the south-east) to the proposed NRH substation and switchroom. This would result in an increase in the size of the structure by c.12m² (from 16m² to 28m²) and an increased height of c.1m.

The permitted scheme does not include a gas skid. It is proposed to include a new mechanical gas skid in a small area enclosed by 2.4m high palisade fencing between the existing boiler house and oil tank bunker and the existing maintenance shed. The shed is located immediately to the west of the bin store area and the proposed skid would be to the west of the shed. It would be located close to the permitted internal entrance road from Pottery Road, with maintenance access from this internal access road.

8. New Gait training area

It is proposed to introduce an external gait training area which would be located to the east of the new bedroom facility, to the south of the eastern car park and to the north of the external 'garden away from home' therapy area. It would comprise ramps and steps with walls and guide rails and would take advantage of the site level changes in this part of the site. The gait training area would complement the other adjacent external training areas within the hospital lands.

9. Changes to ambulance set down area

The permitted scheme included a canopied ambulance delivery area on the front of the new bedroom wing, to the west of the main entrance lobby. It is proposed to reduce the dimensions of the canopy to suit all ambulance deliveries.

10. Proposed relocation of temporary contractor's compound

The permitted scheme included a temporary contractor's compound located to the south of the new bedroom wing, (on the site of the existing sports hall and associated buildings to be demolished). This area was inside the red line boundary and would have been accessed from Pottery Road. As noted under Item 1 above, it is now proposed to relocate the compound to the east of the new building, which would be outside the red line boundary, but within the blue line area within the applicant's control. This area has recently become available for use by the applicant and is level compared with the sloping ground of the permitted compound site. It is stated that there would be no changes to construction access arrangements and no additional impact on trees or archaeology in the area.

2.0 PLANNING HISTORY

2.1 06D.PA0039: An Bord Pleanála granted permission, subject to 11 no. conditions, for the construction of a new purpose built 120-bed National Rehabilitation Hospital Facility, a 3-bed independent living training unit, hydrotherapy unit, sports hall and fitness gym and associated facilities and all ancillary site development and landscape works within a site measuring c.8.4ha. Permission was granted on 25th March 2015 for a period of 8 no. years for the construction of new hospital buildings totalling c. 17,834m² gross floor area including the following:

- i. a new hospital building entrance (3,200m² gfa) of 3-storeys which includes a new hydrotherapy unit, sports hall and fitness gym;
- ii. a new 4-storey ward block comprising 120 no. single rooms (replacement beds) in a number of discrete wards at each floor (c. 14,356m² total gfa, with no net change in existing number of hospital beds at the National Rehabilitation Hospital). Plant at roof level;
- iii. a new three-bed independent living training unit;
- iv. a new internal four-storey 'hospital street' which runs east-west along the back of the proposed new entrance concourse and provides access to the new wards at each level. The 'hospital street' also provides links to the existing National Rehabilitation Hospital buildings at levels 0 and 1. Minor extension and modifications required to the existing building to allow for these connections;
- v. an extension to the existing building (c. 52m²) to provide a classroom, to replace the classroom to be demolished; and
- vi. refurbishment works to the existing hospital buildings (c.259m²) associated with the proposed development, including minor fire upgrade works to some existing corridors and provision of temporary fire escape routes and external stairs (c. 14m²) to existing buildings during construction.

2.2 The following associated and ancillary site development works were also permitted under PA0039:

- Demolition of c.1,635m² of existing hospital related structures including doctor's residence (habitable dwelling), St Luke's spinal Injuries Ireland, a classroom, a multi-purpose room, sports hall and associated buildings;
- Excavation of part of the site to accommodate the new building and the disposal of excavation material locally (c. 33,000 cubic metres) at an area within the western part of the overall site. This will raise the site levels in that area by between 0-3.5 metres depending on location.

Approx. 14,000 cubic metres of excavated material to be removed off site;

- Demolition of the existing wall from the eastern boundary along Rochestown Avenue, west as far as the existing main vehicular entrance/egress;
- Construction of a new boundary wall set back 5.5 metres from the current northern site boundary, footpath and grass verge, to accommodate future improvement works with ancillary footpath and cycle facilities to be developed by Dun Laoghaire Rathdown County Council along Rochestown Avenue;
- Reconstruction of existing vehicular 'entrance only' and associated pedestrian gate between the convent house and the main hospital building on Rochestown Avenue;
- Closure of the existing main vehicular entrance/egress and reconstruction of the pedestrian entrance with associated pedestrian facilities and signalised pedestrian crossing beside the existing bus shelter on Rochestown Avenue;
- Reconstruction of an existing unused pedestrian gate to 'St. Luke's' as a new vehicular 'entrance only' to the development and closure of a second unused pedestrian gate to the east, to be integrated with proposed new boundary condition along Rochestown Avenue;
- Closure of existing main access off Pottery Road serving National Rehabilitation Hospital following completion of the construction of the development;
- Removal of the existing vehicular entrance intended to serve as future access to the National Rehabilitation Hospital at Pottery Road constructed by the local authority as part of its Pottery Road improvement works. Construction of a new barrier controlled secondary vehicular entrance/egress (staff and service/delivery vehicles only) and new gated bicycle and pedestrian entrance/egress further east along Pottery Road;
- Provision of a new pedestrian and cycle route extending north-south within the hospital grounds connecting Rochestown Avenue and the new Pottery Road entrance, with associated pedestrian and cycle facilities, road markings, signage, lighting etc. The pedestrian and cycle route will be operational from 7.00 a.m. to 6.00 p.m. (October to March) and 7.00 a.m. to 8.00 p.m. (April to September) daily, except on the 12th of September each year, when it will be closed;

- Works to facilitate the use of existing Pottery Road vehicular entrance, to the east of the proposed new entrance, as a temporary construction route, to be closed upon completion of the proposed development;
- Provision of drop-off and set-down areas to the front forecourt of the new hospital building;
- Reorganisation of the existing car parking areas, including extension/reconfiguration and upgrading of both western and eastern surface car parks, with no overall net change in existing number of car parking spaces (290 no. spaces in total remain on site);
- Provision of a new service compound and yard at the location of the existing sports hall and associated buildings that are to be demolished;
- Provision of a new waste compound to the south of the existing hospital buildings;
- Improvement works to internal road layout, signage and markings to serve the development, minimise unnecessary vehicular movement and prevent casual parking through the site;
- 64 new bicycle parking spaces;
- The diverting of an existing 225mm water main dissecting the site of the proposed hospital building to a location running along the south-east boundary, with associated wayleave relocation; and,
- Landscaping and boundary treatments through the application site.

2.3 Permission PA0039 was granted subject to 11 no. conditions. These were generally of a standard type apart from Conditions 4 and 10. Cond. No. 4 related to the proposed pedestrian and cycle link through the site from Rochestown Avenue to Pottery Road and a number of revisions were required, (to be incorporated into a revised plan to be submitted to the P.A. prior to commencement of development). The changes included revised opening times, provision of lighting and signage along the route, a redesign of the Pottery road entrance to ensure no need for cyclists to dismount and to link with existing cycle lanes on this road, and that it be made operational prior to the coming into operation of any part of the new hospital building. Cond. No. 10 prohibited additional development above roof parapet level unless authorised by a further grant of planning permission.

2.4 D16A/0643 – planning permission granted for minor extension works on 23rd November 2016. The works comprise:-

- A new single storey extension (c. 260m²) in the centre of the hospital campus;
- Internal refurbishment works (c. 21m²), demolition of an existing building (c. 17m²) to facilitate a link to the proposed new building;
- The relocation of an existing potting shed (c. 20m²).

2.5 D12A/0452 – planning permission granted for a new entrance to the NRH lands off Pottery Road, but not implemented due to issues relating to contaminated lands. This entrance was subsequently relocated further to the east and permitted under 06D.PA0039.

2.6 D08A/0618 – permission had previously been granted for a much larger development of approx. 46,139 sq.m, on a site of 8ha within the grounds of the NRH. This included a 235 bedroom facility with an overall building height ranging from 2 to 6 storeys. The permission withered in October 2016.

3.0 REQUESTER'S SUBMISSION

The requester's submission to the Board can be summarised as follows:

- The changes to the permitted development have arisen during the detailed design stage prior to the commencement of development.
- The proposed changes to the red line boundary have arisen due to the recent return of an area of land (within the blue boundary) under the control of the applicants. This additional area of land has a more level gradient and provides an opportunity to provide an improved and more generous landscaped buffer zone and for a more appropriate area for the temporary construction compound. No additional development is proposed in this area. It is submitted that the proposed changes would not amount to material alterations to the permitted development.
- The contractor's compound is only required temporarily, it is stated, and it will be removed and the land reinstated following completion of the works, and as such its relocation does not constitute a material change to the permitted development. It is further submitted that such temporary accommodation could reasonably be considered as exempted development under class 16 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended. It is further pointed out that the applicant has sufficient control over the lands within the blue line and hence no amendment to the red line boundary is required in respect of the relocation of the contractor's compound.
- The revisions to the layout involving a new gait training area is said to be an extension of the existing outdoor/garden therapy areas. It is submitted

that the natural site levels and proximity to the other outdoor therapy areas makes this area ideal for this activity and would not amount to a material change to the permitted development.

- The proposed alterations to the various utility services at the southern end of the site are generally required in order to comply with the requirements of the various service providers. The proposed alterations to the permitted substation are to comply with requirements of the ESB and those relating to the bin storage area are to comply with the requirements of the HSE. The requirement for the proposed additional gas skid arose following discussions with BGN. It is submitted that none of these changes represent material alterations to the permitted development.
- The proposed demolition of Villa Maria would result in an aesthetic improvement to the front elevation of the permitted hospital wing together with an improved vehicular circulation and car parking layout, without any loss/gain of parking spaces. It is stated that the level of excavation and construction works in close proximity to the building, which is in use as a pre-discharge training facility, would necessitate the temporary relocation of these activities elsewhere within the site, pending the permanent relocation within the new facility. It is submitted that the building is not a protected structure and would sit uncomfortably within the proposed new layout and that the demolition of the structure would not result in a material alteration of the permitted development.
- The proposed external and internal alterations to the layout and elevations of the new building are stated to represent only minor changes which would have no material impacts on the form, massing or elevational appearance of the permitted building. It is submitted that the proposed changes to the café, the balconies/terraces and courtyards are internal to the hospital building and would not result in any loss of amenity. The proposed alterations to the lobby, it is stated, would result in an improved environmental performance of the main entrance area for the comfort of both patients in the waiting area and of staff working in reception, yet would involve only minor changes to the elevation of the lobby. Similarly, it is stated that the proposed changes to the ambulance set down area would result in just minor changes to the canopied area, which would be reduced in length.
- It is acknowledged that Condition 10 of PA0039 states that no additional development shall take place at roof level, including additional roof plant, of the new permitted wing. Notwithstanding this, the revised design at roof level involves the provision of additional plant and reconfiguration of the plant already permitted, with associated amendments to SUDs. It is stated that the intention of the NRH is to develop a scheme utilising natural

ventilation as much as possible. There are also areas which, it is stated, for health and safety reasons and in order to comply with healthcare guidance and building regulations, require a specific air change rate. Thus, the development of the design of the ventilation systems, the façade and the internal areas have resulted in an increase in the mechanical ventilation to areas such as the café, circulation areas and sports hall. Thus, it is submitted that there is a need for an increase in plant equipment items and flues to be accommodated at roof level.

- It is further submitted, however, that the revised design at roof level has sought to mitigate the loss of SUDs area by providing additional areas of sedum roof at Level 04 and to mitigate the visual impact by setting the new plant area back from the parapet edge and providing adequate screening with materials to match the floors below. It is submitted that the proposed alteration to plant and SUDs configuration does not materially affect the external appearance of the permitted building, as shown on the visual impact images contained within the EIS submitted with the SID application.
- The proposed revisions and alterations comply with the policies and objectives of the current Dun Laoghaire Rathdown County Development Plan 2016-2022.
- Having regard to the magnitude of comparative change (minor), the likely additional environmental impacts (negligible) compared to the EIS for the permitted scheme, and continued compliance with the current Dun Laoghaire Rathdown County Development Plan, it is submitted that the proposed alterations, individually or cumulatively, do not constitute a material change to the permitted development or have any significant effects.
- Approval of the proposed alterations by the Board, without undue delay, will enable the NRH to commence its tendering process for its optimal, budgeted scheme. It remains the intention of the applicant to build this critical facility as soon as possible following tendering.

4.0 LEGISLATIVE PROVISIONS

- 4.1 Section 146B of the Act provides alteration by the Board of strategic infrastructure development on request made of it.
- 4.2 Initially under the terms of section 146B(2)(a) the Board must decide as soon as possible, whether or not the making of a proposed alteration would constitute “the making of a material alteration of the terms of the development concerned”. Section 146B(2)(b) provides that “before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers

appropriate (which class may comprise the public if, in the particular case, the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation”.

- 4.3 If the Board decides that the alteration proposed would not constitute a material alteration, the Board must proceed to alter the permission (Section 146B(3)(a)).
- 4.4 If, however, as provided for in section 146B(3)(b) the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall then determine whether to,
- (i) make the alteration,
 - (ii) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or
 - (iii) refuse to make the alteration.
- 4.5 Section 146B(4), however, provides that before making a determination under subsection (3)(b), the Board shall determine whether the extent and character of the alteration requested under subsection (1), and any alternative alteration under subsection (3)(b)(ii), are such that the alteration, were it to be made, would be likely to have significant effects on the environment.
- 4.6 Under section 146B(8) before the Board makes a determination under sections 146B(3)(b) or 146B(4), it is required to make, or require the requester to make, information relating to the request available for inspection to certain persons and/or the public. Submissions and observations are to be invited and the Board is required to have regard to any such submissions or observations received.
- 4.7 Section 146B(5) provides that If the Board determines that the making of either kind of alteration referred to in subsection (3)(b) is not likely to have significant effects on the environment, it shall proceed to make a determination under subsection (3)(b), or is likely to have such effects, the provisions of section 146C shall apply.
- 4.8 Section 146C relates to the preparation of environmental impact statement for purposes of section 146B and applies to a case where the determination of the Board under section 146B(4) is that the making of either kind of alteration referred to in section 146B(3)(b) is likely to have significant effects on the environment.

5.0 ASSESSMENT

5.1 Consideration of materiality

- 5.1.1 As indicated in the preceding section, the first consideration in relation to this request to alter the terms of PA0039 is to determine if the making of the alteration would constitute the making of a material alteration of the terms of the development of the new 120 bedroom wing and associated works at the National Rehabilitation Hospital as granted. This will be assessed hereunder.
- 5.1.2 It is noted that all of the proposed alterations relate to locations within the grounds of the hospital and are generally well away from public roads and boundaries with adjoining properties. It is further noted that the proposals would not result in any increase in floor area, in any loss of amenity space or in the net loss or gain of any parking spaces. The proposed site boundary revision increases site area slightly which results in improved landscaping and boundary treatment. Gait training is in line with other garden/outdoor therapy areas and activities within the site. The proposed changes to the utility services area also relate to an area which is well set back from the public road. Both of these changes relate to areas well within the grounds of the hospital and would not have any impact on neighbouring uses.
- 5.1.3 It is considered that the main alterations of any potential significance relate to visual impact associated with alterations to elevations, demolition of Villa Maria and the installation of additional roof plant. The majority of the proposed elevational changes are either internal or of such minor scale and extent as to be visually imperceptible. The proposed alterations to the lobby entrance and ambulance drop off area arise from a practical and pragmatic approach to the operational needs of the hospital at detailed design stage. I would submit that the differences with the permitted scheme are likely to be imperceptible. The only exceptions are the demolition of Villa Maria and the proposed additional roof plant. The loss of Villa Maria would not result in any reduction in facilities, as the activities conducted here would have been relocated to the main building in due course. It became clear at detailed design stage that the building would be too close to the site of major excavations and building works, and hence, it would not be possible to carry on the training activities in this scenario. In visual terms, its removal is considered to be positive as it would result in less visual clutter, would enhance the setting, legibility and overall appearance of the new hospital wing and would facilitate a simpler and more efficient layout for parking and circulation.
- 5.1.4 The additional plant at roof level would result in a larger area of plant visible from ground level within the site. Given that Condition no. 10 prohibits any additional development at roof level or roof plant without a further grant of planning permission, and the fact that the site is located within the Building

Height Strategy Area in the CDP which restricts building heights to two storeys, except where upward modifiers apply, the additional plant could give rise to potential visual impacts to the north. However, the permitted building is set back c. 43 metres from the street and would be screened by means of a new boundary treatment, including a row of trees along Rochestown Avenue. It is also noted that the existing development directly to the north of the new building, (on the opposite side of Rochestown Avenue), comprises commercial development (a car sales yard). The residential properties to the north-west (at Sefton) have their side elevations facing Rochestown Avenue and are opposite the existing hospital building (to be retained). The visibility of the proposed area of plant on the roof of the permitted building from the south, west and east is much lower than from Rochestown Avenue.

- 5.1.5 Mitigation measures are proposed to minimise the visual impact of the proposed additional area of plant. These measures include the recessing of and screening of the plant equipment and the relatively low height of the plant. In light of the low level of visibility of the building from the street and neighbouring properties, the absence of sensitive receptors immediately opposite the site at this location, the proposed mitigation measures as outlined above, it is considered that the visual impact of the proposed additional plant at roof level would have a very low level of significance. Although there is a planning condition restricting any further development at roof level, I note from the Inspector's report (PA0039) that this issue was not discussed in the assessment of visual impact. It is further noted that the visual impact of the proposed development was not raised in third party objections received by the Board in respect of this SID application. Thus should the Board decide to allow the alteration as proposed, it is considered that it would not result in a material alteration of the terms of the development, as permitted.
- 5.1.6 The permitted scheme had indicated that the construction compound would be located to the south of the proposed new bedroom wing. The proposed new location is further to the north and east, such that it would be sited close to the junction of Rochestown Avenue and Sallynoggin Road. Relocation of the construction compound means that this facility would be closer to the external site boundaries with Rochestown Avenue, to residential properties at Somerton and to the Windy Ridge Garden Centre. This could potentially give rise to some additional impact in terms of noise, air and visual impact during the construction period. However, in reality, the entire eastern and north-eastern part of the site would be a building site with deep excavations and large areas of earthmoving. It is further noted that the construction phase would be a temporary one and that the mitigation measures proposed as part of the SID application would still be required to be implemented. Thus it is considered that the relocation of the compound itself closer to the road and to

the eastern boundary of the hospital grounds would not result in any perceptible increase in environmental impacts on adjacent properties.

5.2 Environmental impact

5.2.1 In my opinion no new considerations arise, in relation to impact on the environment, which were not considered in the assessment of impacts for PA0039, for which an EIA was conducted. Any impact at construction stage, in terms of increased noise and dust from the demolition of Villa Maria and the relocation of the construction compound as referred to above, would be marginal. The permitted development is subject to conditions including the agreement of a construction management plan with the planning authority and the management of the development in accordance with the CEMP. This plan includes matters such as hours of operation, details of construction traffic management, mitigations measures for dust, noise, site lighting and the monitoring of such levels. Thus the proposed alterations would be incorporated into the terms of the permitted development with appropriate mitigation measures required to be implemented.

5.2.2 The topics addressed in the EIS on PA0039 have been reviewed in the context of the alterations proposed. It is considered that : -

- there are no material changes to the impacts arising on human beings. Any additional impacts arising from demolition of Villa Maria and relocation of the construction compound, in respect of noise, dust and nuisance during construction, would be mitigated as part of the CEMP;
- there is no additional identified impact on flora or fauna outside of those identified in the original EIS;
- the alterations would have no additional impact on soils and geology;
- the alterations have no impact on flood risk or surface water drainage. The loss of sedum roof at roof level due to the proposed reconfiguration of the roof plant is proposed to be replaced to ensure that the green roof coverage of 46% is retained;
- in terms of waste management, the impact on the environment will be neutral and imperceptible as there would be no change to the quantum of waste disposal or generation;
- there is no additional identified impact on the noise and vibration impact assessments carried out for PA0039 and the mitigation measures identified in the EIS are applicable;
- the impact on the environment in terms of air quality and dust will be neutral, short-term and imperceptible;

- although there are potential impacts in terms of landscape and visual impacts arising due principally to the proposed additional roof plant, no significant residual impacts would arise following mitigation as proposed;
- the mitigation measures in relation to archaeological heritage protection are applicable, no change in that regard from the original EIS;
- no additional impact on architectural or cultural heritage arise, and the alterations do not affect any aspect of the assessment of impacts on site services as set out in the original EIS.

5.2.3 I am of the opinion, having fully considered the alterations and having considered the proposal as granted under PA0039, that the Board would not have determined PA0039 differently had the alterations, as now proposed, formed part of PA0039 at that application stage. In that regard, I consider it reasonable to conclude that the proposed alterations, subject of the request, do not constitute the making of a material alteration of the development as granted under PA0039.

5.3 Exempted development

In further consideration of materiality, the provisions of section 4(1)(h) of the Planning & Development Act 2000 (as amended) relating to exempted development are of some interest:

“The following shall be exempted developments for the purposes of this Act—

development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;”

Had the new hospital wing been constructed, it would appear that it may have been open to the applicant to claim exempted development status for the alterations pursuant to the above mentioned section.

5.4 Public consultation

I have considered the provisions of s.146B(2)(b) which provides for, at the Board’s discretion, the inviting of submissions from persons, including the public. Having considered: the nature, scale and extent of the alteration; the information on file; the nature, scale and extent of the development granted

under PA0039, and the information on PA0039 including the submissions from the public, I am of the opinion that the inviting of submissions from the public in this instance is not necessary and is not required for the purposes of the Board determining the matter.

5.5 Appropriate Assessment

- 5.5.1 Under PA0039 the Board completed an Appropriate Assessment Screening exercise in relation to European sites within a 15 km radius of the application site which resulted in all of the sites being screened out. The Board concluded that the proposed development, in itself, or in combination with other plans or projects, would not be likely to have a significant effect on any European Site.
- 5.5.2 It is considered that the proposed amendments are minor changes to the permitted hospital wing project and are all within the existing enclosing perimeter for impacts of the permitted project. Any potential pathways for impacts of the permitted hospital wing project have already been assessed under an Appropriate Assessment of that application and the proposed amendments do not give rise to any new or different issues or impact pathways that would now need to be assessed.
- 5.5.3 Having considered: the Board's determination on Appropriate Assessment on PA0039; section 10.15 of the Inspector's Report on PA0039; the nature, scale and extent of the alteration relative to the development subject of PA0039, and the information on file (which I consider adequate to carry out AA Screening), I consider it reasonable to conclude that the alterations proposed, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European.

6.0 RECOMMENDATION

I recommend that the Board decides that the making of the alterations subject of this request do not constitute the making of a material alteration of the terms of the development as granted permission under 06D.PA0039.

(Draft Order for the Board's consideration provided below.)

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 28th day of September 2017 from the National Rehabilitation Hospital care of Stephen Little & Associates 26/27 Upper Pembroke Street, Dublin 2 under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the permission for a new 120-bed facility at the National Rehabilitation Hospital, a strategic infrastructure development the subject of a permission under An Bord Pleanála reference number 06D.PA0039.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 25th day of March, 2015,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the proposed alteration is described as follows:

- Demolition of Villa Maria with associated minor changes to car park layout;
- Reconfiguration of roof plant including the provision of additional roof plant;
- Site boundary revision with associated minor increase in landscape buffer zone along eastern boundary;
- Additional gait training external garden therapy area;
- Relocation of temporary contractor's compound from area to south of existing sports hall (to be demolished) to the east of the new bedroom wing in an area largely outside the red line boundary but within the blue line area within the applicant's control;
- Changes to internal plan layouts and external building elevations including the following-
 - Extension of coffee shop into internal courtyard with associated changes to balconies/terraces facing into the courtyard.
 - Modifications to entrance lobby on Northeast elevation.
 - Minor adjustments to window and service utility placement on external north, east and west elevations.
 - Changes to ambulance set down area – northeast and Northwest elevations.
- Changes to utility service area in southern part of site as follows:
 - Alteration to bin store area by increasing size of yard by 43sq.m and inserting new roof.
 - New MV substation, switch room and a new MV route from the Amgen substation.
 - Additional gas skid.

AND WHEREAS the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would not result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 28th day of September, 2017.

Mary Kennelly
Senior Planning Inspector
18th December 2017