

An
Bord
Pleanála

Board Order
ABP-315565-23

Planning and Development Acts 2000 to 2021

Planning Authority: Louth County Council

Planning Register Reference Number: 22834

Appeal by Gerard Kellett of 82 Beaulieu Village, Drogheda, County Louth against the decision made on the 9th day of December 2022 by Louth County Council to grant subject to conditions a permission to Lagan Homes Drogheda Limited care of Stephen Ward Town Planning and Development Consultants of Jocelyn House, Jocelyn Street, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council:

Proposed Development:

Modifications to a permitted strategic housing development under An Bord Pleanála Reference Number ABP-305819-19 consisting of the omission of the permitted creche and community building and the construction of nine number self-contained retirement homes (seven number one-bed and two number two-bed) contained across three separate buildings with communal and support services for independent and or assisted living for older persons. Building A contains the communal and support spaces along with three units, Building B consists of two units while Building C has four units. Building A is a part two storey with the remaining buildings single storey. All building proposed have the option for the installation of photovoltaic and solar panels on roof slopes depending on orientation and heat pumps. The proposed development

includes all car parking, landscaping, infrastructure services and site development works associated with the development proposed. The development includes a new pedestrian and bicycle entrance onto Newfoundwell Road. The proposed development will be accessed via off the existing vehicular access road permitted and constructed under An Bord Pleanála ABP-305819-19 all located at Newtown Wood, Newfoundwell Road (R166), Newtownstalaban, Drogheda, County Louth.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (i) The provisions and policies as set out in the Louth County Development Plan 2021-2027;
- (iii) the provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021,
- (iv) the provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (v) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2022;
- (vii) the provisions of the Childcare Facilities Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in 2001;
- (viii) the availability in the area of a wide range of social and transport infrastructure;
- (ix) the pattern of existing and permitted development in the area;
- (x) the submissions and observations received, and



(xi) the report of the Planning Inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposed development would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The Board considered that the proposed development is compliant with the current Louth County Development Plan 2021-2027 and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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, or as otherwise stipulated by conditions hereunder, and the proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority, pursuant to section 47 of the Planning and Development Act 2000, as amended, such that the nine number self-contained retirement homes with communal and support services for independent and/or assisted living for older persons (over 55 years old) hereby permitted shall be permanently retained in one ownership and under the same management company as the remainder of the overall development permitted under the parent permission.

Reason: To regulate the permitted use in the interest of proper planning and sustainable development.

3. (a) The development hereby permitted shall comply with the conditions of the permission granted by An Bord Pleanála Reference Number ABP-305819-19 except where departure from those conditions is authorised by virtue of this permission.



- (b) This permission and the permission granted by An Bord Pleanála Reference Number ABP-305819-19 shall expire on the 29th of March 2025.
- (c) The omission of the permitted creche and community building and the construction of nine number self-contained retirement homes with communal and support services for older persons and associated development as detailed by plans and particulars and submitted to Louth County Council on the 21st October 2022 shall be authorised by virtue of this permission.

Reason: In the interests of clarity and to ensure that the overall development is carried out in accordance with the permission granted by An Bord Pleanála Reference Number ABP-305819-19.

- 4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

- 5. The boundary planting and areas of communal open space shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to the planning authority with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation.



All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

6. The internal road network serving the proposed residential development shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

7. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health and surface water management.

8. Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Irish Water. All development is to be carried out in compliance with Irish Water Standards codes and practices.

Reason: In the interest of public health.

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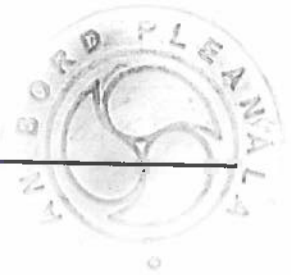
9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 for Louth County Council 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.



Peter Mullan

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



Dated this *20th* day of *April*, 2023

