



An
Bord
Pleanála

Inspector's Report

ABP-315565-23

Development	Modification to permitted SHD (ABP-305819-19) to consist of 9 no. self contained retirement homes.
Location	Newfoundwell Road, Newtownstalaban, Drogheda, Co. Louth. (www.newtownstalabanlrd2.com)
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	22/834
Applicant(s)	Langan Homes Drogheda Limited
Type of Application	Permission for Large Scale Residential Development
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Gerard Kellett
Observer(s)	None on File
Date of Site Inspection	14 th March 2023
Inspector	Sarah Moran

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Pre-Application Opinion	6
4.0 Planning Authority Decision	6
4.1. Decision	6
4.2. Planning Authority Reports	6
4.3. Prescribed Bodies	8
4.4. Third Party Observations	8
5.0 Planning History.....	8
6.0 Policy Context.....	11
6.1. National Planning Policy	11
6.2. Louth County Development Plan 2021-2027	13
6.3. North Drogheda Environs Masterplan	15
6.4. Natural Heritage Designations	16
7.0 The Appeal	16
7.1. Grounds of Third Party Appeal.....	16
7.2. Applicant Response	17
7.3. Planning Authority Response	19
7.4. Observations	19
7.5. Further Responses.....	19
8.0 Screening	20
9.0 Assessment.....	20
10.0 Conclusion and Recommendation	25

11.0 Recommended Board Order 26

Appendix I: Preliminary Examination Form

1.0 Site Location and Description

1.1. The development site is located approx. 2.5km to the northeast of Drogheda town centre, north of the River Boyne, within the development boundary of Drogheda, Co. Louth. This is an emerging, primarily residential area at the northeastern fringe of Drogheda. The red line site boundary (containing stated area 0.218 ha) is located within a larger area of lands (5.87 ha) that has an SHD permission for 217 no. units, ref. ABP-305819-19, see detailed planning history below. The permitted development is now known as Newtown Wood and is currently partially complete / under construction.

1.2. The Newtown Wood development has frontages to both the Newfoundwell Road R166 to the north (also known as the Termonfeckin road) and the Newtown Road L2307 to the southeast. The development is accessed from the Newfoundwell Road, there is to be no permanent vehicular access from the Newtown Road under the ABP-305819-19 permission. The overall lands are also bound as follows:

- Residential properties fronting on to the Newfoundwell Road to the northwest
- Agricultural lands to the north
- An auto repair shop and associated hardstanding to the northeast
- The Boyne Business Park and the grounds of Newtown Blues Gaelic Football Club to the south
- There is an area identified on maps as an old railway line along the southern boundary, between the lands currently being developed and the Boyne Business Park, however no rails or other railway infrastructure are currently visible

There is a large, recently constructed residential development known as Beaulieu Village on the opposite side of the Newfoundwell Road, with the access immediately opposite the development site and close to the access to Newtown Wood.

1.3. The area within the red line site boundary is located to the immediate north of the access to Newtown Wood from the Newfoundwell Road, with c. 60m of road frontage to same. There are two wayleaves present at the site, one along the road frontage associated with a 450mm storm drain and another perpendicular wayleave across the site that is associated with an existing sewer. There is an existing bungalow and

associated grounds to the immediate northwest. There are completed houses within the Newtown Wood development to the west. The site is currently accessed from the main spine route through Newtown Wood, adjacent to the overall Newtown Wood access from the Newfoundwell Road.

2.0 Proposed Development

2.1.1. The proposed Large-scale Residential Development (LRD) seeks to modify the development permitted under ABP-305819-19. It is proposed to omit the permitted two storey landmark building at this part of the overall Newtown Wood development, which contained a creche (380 sq.m.) and a residents' gym, coffee bar and communal room (448 sq.m.) and to replace it with 9 no. self-contained retirement homes (7 no. 1-bed and 2 no. 2-bed), contained across three separate buildings with communal and support services for independent and/or assisted living for older persons. The proposed three buildings are as follows:

- Building A (part single storey, part 2 storey) located at the southwestern corner of the site contains the communal and support spaces, along with 3 no. residential units
- Building B (single storey) at the eastern side of the site contains 2 no. residential units
- Building C (single storey) at the northwestern corner of the site contains 4 no. residential units

The proposed own door assisted living units each contain a kitchen/living/dining room and one or two bedrooms. The application states that the units will be centrally managed and will not be let or sold individually. The applicant is willing to enter into a section 47 Agreement with Louth County Council (LCC).

2.1.2. The proposed buildings are situated to allow for the existing wayleaves at the site. The layout provides landscaped spaces between the buildings with pedestrian access to each unit. Vehicular access is via the existing entrance from Newfoundwell Road serving Newtown Wood. The vehicular access and car parking are segregated such that there is vehicular access to the car park at the western side of the site only with no vehicular access to individual units. The development also includes a new

pedestrian connection to Newfoundwell Road, with a landscaped area at the road frontage, where the existing wayleave is located. The development is to connect to the existing public sewer and water supply, with attenuated surface water discharge to the Beaulieu Stream.

3.0 Planning Authority Pre-Application Opinion

3.1. The planning authority and the applicant convened a meeting under section 32C of the Planning and Development Act 2000 (as amended) for the proposed LRD on 12th May 2022. The record of that meeting is attached to the current file.

3.2. LCC issued an opinion under section 32D of the Act on 6th October 2022, which states:

I have reviewed your submission dated 30th September 2022 and consider that the proposed development is substantially the same as the 'permitted development'. It is therefore concluded that no consultation is required under section 247(1A) of the Act prior to a modification application being lodged.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. LCC granted permission for the proposed LRD on 9th December 2022, subject to 6 no. conditions. None of the conditions imposed required any significant changes to the development. Condition no. 2 required the 9 no. self-contained retirement homes with communal and support services for independent and/or assisted living for older persons (over 55 years old) to be permanently retained in one ownership and under the same management company as the remainder of the overall development permitted under the parent permission. Condition no. 4 required the applicant to meet Part V obligations.

4.2. Planning Authority Reports

4.2.1. Planning Report

The planning report dated 27th October notes the following:

- The proposed residential use is acceptable in principle at the development site under the relevant A2 'New Residential Phase 2' zoning objective.
- The development is consistent with development plan core strategy and housing strategy as updated by development plan Variation No. 1.
- The community building permitted at this location under ABP-305819-19 was a landmark structure. The proposed one and two storey development has a considerably smaller scale than that previously permitted and does not include a landmark building, however it does provide an appropriate, defined urban edge at this location. Satisfied that the layout, design and landscaping proposals would provide for a quality development.
- Notes the submitted Childcare Demand Assessment. Accepts the applicant's rationale/justification for the omission of the permitted childcare facility, noting that the North Drogheda Masterplan has identified neighbourhood centres. These and shared locations with schools and adjacent to same are considered to be more appropriate and optimal locations for childcare facilities.
- Notes that neither the planning authority nor ABP raised concerns in relation to the availability of wider community facilities in the assessment of ABP-305819-19. Accepts the applicant's submission that the gym would not be commercially viable at this site. The omission of the creche and the gym are justified with regard to development plan Objective SC 36.
- Notes that the proposed amended development includes the provision of communal facilities and that it would meet a specific housing need within the community and therefore is welcomed.
- No concerns in relation to adverse impacts on adjacent residential amenities.
- Recommends permission subject to conditions.

4.2.2. Other Technical Reports

LCC Infrastructure Planning report dated 23rd November 2022. Requires further information on matters relating to car parking quantum; provision of disabled spaces; EV charging; management company/taking in charge; accessible footpath; design of soakaway; surface water requirements; public lighting design.

There are no other technical reports on file.

4.3. **Prescribed Bodies**

4.3.1. None on file.

4.4. **Third Party Observations**

4.4.1. The planning authority received one third party observation from the above named appellant. The matters raised in the observation are generally the same as those set out in the current third party appeal and as summarised elsewhere in this report.

5.0 **Planning History**

5.1. **Concurrent LRD Application Reg. Ref. 22/821**

5.1.1. Relating to 0.6 ha of lands at several locations within the overall site of ABP-305819-19. Concurrent LRD application to LCC for modifications to ABP-305819-19 comprising the replacement of 80 no. duplex apartments (40 no. duplex units) with 40 no. 2 storey houses (26 no. 2-bed terraced units and 14 no. 3-bed terraced units), associated gardens and site development works. All other site development works, vehicular access points, roads layout, service provision, public open space, pedestrian connections, landscaping and boundary treatment works are to remain as permitted under ABP-305819-19. LCC granted permission on 18th October 2022, subject to 6 no. conditions. The conditions imposed did not involve any significant changes to the development.

5.2. **ABP-305819-19 Permitted SHD at Development Site**

5.2.1. Relating to c. 5.8 ha of lands at Newtownfoundwell Road R166 / Newtown Road L2307. Permission granted on 28th February 2020 for demolition of an existing farm complex and a residential development comprising:

- New entrance from Newtownfoundwell Road to the development;
- Construction of 217 no. dwelling units comprising:
 - 80 no. duplex apartments (2 no. 1-bed; 38 no. 2-bed; 40 no. 3-bed),
 - 137 no. houses (22 no. 2-bed; 100 no. 3-bed; 15 no. 4-bed).

- 2 storey block containing a creche (380 sq.m.) and a residents' gym, coffee bar and a communal room (448 sq.m.) located at the access to the site from the Newtownfoundwell Road;
- 364 no. car parking spaces and 201 no. bicycle spaces provided throughout the site;
- Landscaped private and public open space which includes a trim trail, children's playground/ play areas, basketball throwing court, playing kickabout field;
- Boundary treatments, public lighting, site drainage works, ESB plant (14 sq.m.) and all ancillary site services and development works.

5.2.2. Condition no. 2 of ABP-305819-19 required the following amendments:

- The cul-de-sac street to the front of dwellings 90-101 and the cul-de-sac/road surface to the front of dwellings 102-109 shall be omitted and the main access street from the west realigned to link into the street to the front of units 217-210. The resulting space at this location shall be extended into the public open space/pocket park, with parking spaces serving the units relocated/repositioned to avoid the dissection of this public open space.
- A pedestrian path shall be provided to the front of dwellings 184-191 which shall connect into the pedestrian path to the front of dwellings 183 and 166. A pedestrian path shall also be provided to the front of dwellings 197-204 which shall connect into the pedestrian path to the front of dwellings 192 and 205. The pedestrian paths shall be located behind the car parking spaces and a vegetation buffer shall be inserted between the buildings and the footpath. The public open space between these streets where the footpaths are proposed shall not be reduced in width to accommodate these footpaths. Revised plans illustrating these amendments, shall be submitted to the planning authority for their written agreement.
- Additional pedestrian crossings/raised tables shall be provided for between the proposed footpaths under (b) and the central 'boulevard' open space.
- A pedestrian path shall be provided for along the southern side of the access street adjoining the boundary with Newtown Blues Gaelic Football Club, which

shall connect from the entrance to the site into the pedestrian path within the linear park to the southeast.

- The home zone street to the northwest and the home zone street to the north of the central green space shall be redesigned in accordance with the guidance within the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, with a focus on distinctive paving, planting, play areas and seating designed into the streets, to the satisfaction of the planning authority.
- Details of the proposed playing pitch, playground and landscaping proposals for the central open space, in conjunction with the detailed construction requirements for the proposed attenuation tank under the central open space shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.
- The dwelling on site 3 shall be redesigned with a dual aspect to the side, with the parking spaces associated with that dwelling positioned to the front of the dwelling. The proposed turning head and two parking spaces adjoining site 3 shall be omitted and the resulting space at this location shall be extended into the proposed pocket park.

5.2.3. Condition no. 3 of ABP-305819-19 required revised boundary treatments. The remaining conditions imposed did not involve any significant changes to the development.

5.3. **ABP Ref. HA0007 and ABP Ref. KA0004**

5.3.1. Relating to a small section of the overall ABP-305819-19 application site. Permission granted to LCC and the associated CPO confirmed for modifications for the development of the Port Access Northern Cross Route (PANCR) in 2008, which provides for an orbital roadway across the Drogheda Environs from west to east, linking the R132 to the west with the Baltray Road at Tom Roes Point to the east. The provision of the PANCR provides for the upgrading of a number of side roads, including the Twenties Lane, Ballymakenny Road and the Termonfeckon Road. The provision of PANCR is essential in providing adequate road infrastructure to serve the northern environs of Drogheda.

6.0 Policy Context

6.1. National Planning Policy

6.1.1. Project Ireland 2040 National Planning Framework

The National Planning Framework (NPF) supports the development of Ireland's cities and urban areas to achieve compact growth. The following National Policy Objectives are noted in particular:

- NPO 4: Ensure the creation of attractive, liveable, well-designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 30: Local planning, housing, transport/accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population along with the inclusion of specific projections, supported by clear proposals in respect of ageing communities as part of the core strategy of city and county development plans. As more people live longer lives, they will want to stay healthy and independent, live in their own homes and communities.

6.1.2. Childcare Facilities Guidelines for Planning Authorities (2001)

Section 2.4 of the Childcare Guidelines states:

Planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments. For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate. (See also paragraph 3.3.1 and Appendix 2 below). The threshold for provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas. Authorities could consider requiring the provision of larger units catering for up to 30/40 children in areas of major residential development on the basis that such a large facility might be able to offer a variety of services – sessional/drop in/after-school, etc.

Paragraph 3.3.1 of the Childcare Guidelines also states:

In relation to new housing areas, a standard of one childcare facility providing for a minimum 20 childcare places per approximately 75 dwellings may be appropriate. This is a guideline standard and will depend on the particular circumstances of each individual site.

Appendix 2 of the Childcare Guidelines states:

The threshold for provision should be established having had regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas.

Any modification to the indicative standard of one childcare facility per 75 dwellings should have regard to:

- 1. The make-up of the proposed residential area, i.e. an estimate of the mix of community the housing area seeks to accommodate. (If an assumption is made that 50% approximately of the housing area will require childcare then in a new housing area of 75 dwellings, approximately 35 will need childcare. One facility providing a minimum of 20 childcare places is therefore considered to be a reasonable starting point on this assumption. Other assumptions may lead to an increase or decrease in this requirement.)*
- 2. The results of any childcare needs analysis carried out as part of a county childcare strategy or carried out as part of a local or action area plan or as part of the development plan in consultation with county childcare committees, which will have identified areas already well-served or alternatively, gap areas where there is underprovision, will also contribute to refining the base figure.*

6.1.3. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022)

Section 4.7 of the Apartment Guidelines states the following in relation to the provision of childcare facilities:

Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development

and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms.

6.1.4. Other National Policy

The document 'Housing for Older People: Thinking Ahead' published by The Housing Agency in 2018 is also noted.

6.2. **Louth County Development Plan 2021-2027**

- 6.2.1. The development site is zoned '2A New Residential Phase 1' within the settlement boundary of Drogheda under the development plan, with the following stated objective:

To provide for new residential neighbourhoods and supporting community facilities.

- 6.2.2. The following development plan settlement strategy and housing policy objectives are noted in particular:

SS 10 To manage the growth of Drogheda in a manner that will achieve the creation of a compact settlement with attractive and inclusive sustainable neighbourhoods where there is a choice of affordable homes for all.

SS 11 To support the coordinated development of the Northern Environs of Drogheda with the provision and delivery of sustainable social and community facilities and infrastructure in tandem with residential development.

HOU 10 To continue to support the creation of sustainable communities throughout the County for people across all the life stages by facilitating the creation of attractive neighbourhoods where there are strong links and connections to local services, community facilities and employment areas and where walking, cycling, and public transport is prioritised.

HOU 17 To promote and facilitate the sustainable development of a high quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.

HOU 26 To require the provision of an appropriate mix of house types and sizes in residential developments throughout the County that would meet the needs of the population and support the creation of balanced and inclusive communities.

- 6.2.3. Development plan section 3.8 addresses Housing for Older Persons, noting the principles outlined in the national Policy Statement ‘Housing Options for Our Ageing Population’ (2020). It states:

In larger developments, consideration should be given to providing single storey units. This would give older persons living in larger houses the choice to ‘rightsized’ if they desire.

and states the following policy objective:

HOU 12 To support the implementation of the Policy Statement ‘Housing Options for Our Ageing Population’ and the provision of independent and/or assisted living for older persons such as purpose built accommodation, the adaptation of existing properties, and opportunities for older persons to avail of ‘rightsizing’ within their community at locations that are proximate to existing services and amenities including pedestrian paths, local shops, parks and public transport.

- 6.2.4. Development plan Chapter 4 also states the following Social and Community policy objectives:

SC 6 To ensure the integration of age friendly and family friendly strategies in all new neighbourhoods including the provision for flexible housing typologies, buildings and open spaces that are designed so that everyone, including older persons, people with disabilities, and people with younger children can move about with ease, avoiding separation or segregation.

SC 42 To require that residential care, retirement and nursing homes, retirement villages and sheltered accommodation be located in Level 1, 2, 3 and 4 Settlements for reasons of sustainability, accessibility, social inclusion and proximity to services. In exceptional circumstances and where considered suitable, the re-use and conversion of existing buildings shall be considered.

- 6.2.5. Development plan section 4.11 deals with childcare facilities. The following policy objectives apply:

SC 35 To support and facilitate the sustainable provision of childcare facilities in appropriate and suitable locations and seek their provision concurrent with new residential development, all having regard to the Childcare Facilities Guidelines for Planning Authorities (2001) and Childcare Regulations (2006) and any subsequent guidelines, in consultation with the Louth County Childcare Committee. Such facilities will be directed to settlements identified in the Settlement Hierarchy.

SC 36 To seek the provision of additional community benefits by way of direct provision or financial contribution in lieu of the provision of childcare facilities where it is demonstrated to the satisfaction of the Council that there are sufficient childcare spaces available in the locality.

SC 37 To permit childcare facilities of appropriate size and scale in settlements, in proximity to existing community and/or educational facilities and in existing residential areas provided they do not have a significant negative impact on the character or amenities of an area, particularly with regard to traffic generation, car parking and noise disturbance.

Development plan section 13.8.26 addresses childcare facilities in new residential developments the context of development management guidance. It states:

The requirement for a crèche facility will take account of existing facilities in the area, local demographics, and the likely demand to be generated by the development. Input will also be received from the County Childcare Committee. Any application for a development that does not include a crèche will require the preparation of an evidence based report prepared in consultation with the County Childcare Committee clearly demonstrating that there is sufficient childcare facilities available in the area. In these instances and with the agreement of the Planning Authority, developers will be required to provide in lieu, other community benefits by way of direct provision or financial contribution.

6.3. North Drogheda Environs Masterplan

- 6.3.1. The North Drogheda Environs Masterplan dates to 2006 and was originally adopted as Variation no. 1 of the North Drogheda Environs Local Area Plan 2004. It is referred to as current planning policy in the LCC planning report on file, notwithstanding development plan objectives to prepare a joint Local Area Plan for

Drogheda. The Masterplan area encompasses c. 254 ha at the northern edge of Drogheda, between the urban edge of the town and the Port Access Northern Cross Route. It provides a framework for the development of the area as three separate neighbourhoods and includes the provision of a civic and commercial centre adjoining the local school in each of the neighbourhoods. The development site is outside the boundary of the Masterplan, being to the immediate south of the eastern most neighbourhood (Neighbourhood 3). The Masterplan provides for a civic / commercial centre within Neighbourhood 3, nearby to the northeast of the development site.

6.4. Natural Heritage Designations

6.4.1. The site is not within or bounding a European Site.

6.4.2. The following European Sites are located within proximity of the site:

- Boyne Estuary SPA (site code 4080), approx. 0.8m to the south of the site.
- Boyne Coast and Estuary SAC (1957) and pNHA, approx. 1.2km southeast of the site.
- The River Boyne and River Blackwater SAC, (site code 2299), approx. 0.6km south of the site.
- Clogher Head pNHA (site code 1459), approx. 8.8 km to the northeast.

7.0 The Appeal

7.1. Grounds of Third Party Appeal

7.1.1. The appellant is a local resident. The main points made in the third party appeal may be summarised as follows:

- The development is not consistent with development plan policies to provide residential development in tandem with community and social infrastructure including childcare facilities, or with the recommendation of the Childcare Guidelines that a 20 unit childcare facility should be provided for 75 houses within new residential developments.

- The surrounding area has undergone major housing development with permission granted for 217 no. units at the overall Newtown Wood site and 316 no. units at Beaulieu Village across the road.
- The proposed amendment to the Newtown Wood development will result in the developer failing to provide much needed childcare infrastructure, which is severely lacking in Drogheda. There is no creche in the vicinity of the development site. There is a genuine need for a creche in this area.
- The Inspector's report of ABP-305819-19 states that the permitted creche is warranted due to the proposed number of dwellings with regard to the Childcare Guidelines.
- The recent permission for other amendments to ABP-305819-19 under reg. ref. 22/821 is noted. It is submitted that the developer is only providing the more profitable elements of the overall development, i.e. housing, to the detriment of the proper planning and sustainable development of the area.
- The proposed assisted housing could be provided instead of other housing in another part of the overall Newtown Wood development.
- ABP should require the developer to provide a creche, a local convenience shop or a coffee shop in the interests of proper and sustainable development and healthy communities.
- Appendix A to the appeal comprises details of applications to two local childcare providers, which are oversubscribed.

7.2. Applicant Response

7.2.1. The following points are noted from the applicant's response to the appeal, dated 13th February 2023:

- The applicant submits a Childcare Demand Assessment and a Community and Social Infrastructure Audit, which demonstrate that the area is well served by education, community, childcare, healthcare and retail with no significant gaps in the network of existing facilities identified. The planning authority concurs with this assessment.

- It is submitted that the childcare and gym uses already permitted at the development site would be underutilised and would undermine the viability of other similar facilities in the area.
- The permitted residents' gym, coffee bar and communal room at the site were not proposed or designed to form part of a neighbourhood centre or to serve members of the public but were to be used by residents of Newtown Wood only. There is a coffee shop within walking distance of the site (c. 160m). There are sports facilities in the immediate area including Newtown Blues GFC and a fitness and leisure centre at the Boyne Business Park. Therefore, the critical mass is not available to support a residents' gym at the development. The area is well served with local shops including an existing neighbourhood centre at Aston Village within 1km of the site.
- It is submitted that the evidence submitted by the appellant indicates that childcare for a particular category, i.e. care for children under one year of age, was not available at the time, not that the facilities in question are fully at capacity.
- The Board is referred to the submitted Childcare Demand Assessment. This indicates that the development in itself would not generate sufficient demand to warrant construction of a creche facility at the development site. The Assessment also details existing childcare provision in the area, which has capacity to cater for demand generated by the Newtown Wood development within c. 600m of the site. The omission of the permitted creche is justified on this basis.
- As noted in the Inspector's Report of ABP-305819-19, concerns were raised by observers to that case that a creche may not be viable at this location having regard to existing creches in the wider area.
- The LRD permission granted under reg. ref. 22/821 for other amendments to ABP-305819-19 changed the permitted house types but will not result in any significant increase in overall childcare demand as a result of the development.
- The proposed development will retain a community/communal use at the site and will provide attractive accommodation for a housing category where there is a strong and growing need. The location of a retirement community within a larger

community of regular market housing supports the principle of 'Ageing in Place' identified in Housing Options for Our Ageing Population which allows for greater social interaction with required services in place. This will also support development plan policy objective HOU 12.

- The applicant accepts the section 47 condition of permission and does not appeal this.
- The proposed car and cycle parking provision are adequate and justified given that the proposed housing is not regular market housing and will not create the same demand for car parking.

7.3. Planning Authority Response

7.3.1. The following points of the response of LCC, dated 10th February 2023, are noted:

- The matters raised in the appeal submission were examined fully in the assessment of the proposed development.
- The planning authority considers that in all cases the provision of childcare within residential developments is not always the best strategic location for them. The North Drogheda Masterplan has identified neighbourhood centres. These and shared locations with schools and adjacent to same are considered to be more appropriate and optimal locations. Having regard to the above and the number of existing childcare spaces in the immediate vicinity of the site, the planning authority in this instance considers the omission of the creche justified.
- The planning authority requests the Board to uphold its decision.

7.4. Observations

7.4.1. None on file.

7.5. Further Responses

7.5.1. None on file.

8.0 Screening

8.1. Environmental Impact Assessment Screening

- 8.1.1. On the issue of Environmental Impact Assessment screening having regard to the limited nature and scale of the development, nature of the receiving environment no likelihood of significant effects on the environment arises from the development. The need for environmental impact assessment can, therefore, be excluded.

8.2. Appropriate Assessment Screening

- 8.2.1. I note the submitted AA document, prepared by Roger Goodwillie & Associates, dated July 2022. I have had regard to the contents of same. Having regard to nature and scale of the proposed development the fully serviced nature of the site and proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Assessment

- 9.1. I am satisfied that the principal issue for consideration in this appeal is the issue of the principle of omitting the permitted two storey community building at this location containing a childcare facility, residents' gym, coffee bar and communal room and its replacement with 9 no. self-contained assisted residential units and associated facilities, in the context of relevant local and national planning policies. I will also consider the principle of the proposed assisted living units for older people at this location, in the interests of completeness. The third party appeal did not raise any other issues and I accept that the design and layout, site services, access, traffic and other infrastructure provision, etc. of the overall Newtown Wood development have been addressed to the satisfaction of the Board under ABP-305819-19 and that these matters have also been addressed to the satisfaction of the planning authority under the subject LRD application reg. ref. 22/834.

9.2. Omission of Childcare Facility

- 9.2.1. The creche permitted under ABP-305819-19 was designed to cater for 60 no. children. This provision may be considered in the context of the permitted housing

mix at the overall Newtown Wood development as follows, as originally permitted and as amended by reg. ref. 22/821 (extracted from reg. ref. 22/821):

Unit Type	ABP-305819-19		As revised under 22/821	
1-bed	2	1%	0	0%
2-bed	60	27%	48	27%
3-bed	140	65%	114	64%
4-bed	15	7%	15	9%
Total	217		177	

Having regard to this housing mix, the development originally permitted under ABP-305819-19 would require a maximum childcare provision of c. 58 childcare places and the revised development permitted under reg. ref. 22/821 would require a maximum childcare provision of c. 47 places (taking all two-bed units into account in both instances), with regard to the above quoted policy guidance from the Childcare Guidelines and the Apartment Guidelines. The permitted facility therefore has excess capacity above the quantitative recommendation of the Childcare Guidelines and Apartment Guidelines, with regard to the amended development now permitted at the overall Newtown Woods site.

9.2.2. The applicant has submitted a rationale for the proposed omission of the permitted childcare facility, which is supported by a Childcare Demand Assessment dated September 2021 that provides demographic analysis and details of existing childcare facilities in the area. The following points of the applicant's rationale and of the Childcare Demand Assessment are noted:

- It is submitted that childcare facilities must be supported by a defined need and critical mass, otherwise they are not viable.
- Based on CSO 2016 data, the development permitted under ABP-305819-19 is estimated to generate a potential population of 227 no. children, of which c. 68 would be of pre-school going age of between 0-4 years old. Analysis of Quarterly National Household Survey (QNHS) data indicates that this population would generate demand for c. 13 no. childcare places.

- It is submitted on this basis that the permitted development would not generate sufficient demand to warrant the construction of a proposed built creche and that there is insufficient demand for the permitted creche at this location.
- The Assessment provides an audit of existing childcare facilities within a 2 km radius of the development site, dating to September 2021. There were 15 no. providers currently operating in the study area, with an overall combined capacity of 669 no. childcare places. There are 3 no. providers within 600m of the development site, with a combined capacity of 248 no. spaces. There is also an extant permission for another childcare facility on a site at Ballymakenny Road, Drogheda, reg. ref. 21/981, which will increase childcare capacity in the vicinity to 735 no. places.
- The applicant consulted with Louth Childcare Committee on 28th September 2021, which confirmed that the North Drogheda area is well served by childcare facilities.

I note the above referenced national planning policies, which state that the threshold of childcare provision at residential developments may be established with regard to the make-up of the proposed residential area, the existing provision of childcare facilities and the emerging demographic profile of the area. I also note development plan policy SC 36, which provides for the provision of additional community benefits or financial contribution in lieu of childcare facilities where it is demonstrated to the Council that there are sufficient childcare spaces available in the locality. I am satisfied with regard to the submitted Childcare Demand Assessment that there is adequate childcare provision in the area to cater for the estimated 13 no. childcare places likely to be generated by the proposed development. While I note that the survey of existing childcare facilities in the area provides limited information on capacity, I generally accept that there is a significant number of such facilities in the area. I also note in this regard that national planning policy on childcare provision does not oblige the applicant to cater for childcare demand generated by other developments in the area, as submitted by the appellant. In addition, I note the comment in the LCC Planning Report on file that the North Drogheda Environs Masterplan provides for several additional childcare facilities at centralised locations in close proximity to the development site. The planning authority response to the

appeal also states a preference for childcare facilities to be co-located with neighbourhoods centres and schools, which is considered reasonable, and is reflected in development plan policy objective SC 37 to permit childcare facilities of appropriate size and scale in settlements, in proximity to existing community and/or educational facilities. The requested replacement of the permitted childcare facility is therefore considered acceptable in this instance.

9.3. Omission of Other Social Infrastructure

9.3.1. The appellant also comments that the proposed omission of the permitted gym and café is not consistent with development plan policies to provide residential development in tandem with community and social infrastructure and that ABP should require the developer to provide a local convenience shop or a coffee shop, as well as a creche, in the interests of proper planning and sustainable development and healthy communities.

9.3.2. The applicant has submitted a Community and Social Infrastructure Audit, dated October 2021, which details the existing provision of schools, childcare, community facilities, healthcare facilities and district and neighbourhood centre uses within 800m of the development site, including the existing Aston Village neighbourhood centre nearby to the north which provides a medical centre, pharmacy, takeaways, personal services and a convenience store, as well as various facilities at the Boyne Business park to the immediate south of Newtown Wood. The Audit also notes that the site is within 2.5 km of Drogheda town centre and is highly accessible being on two bus routes and with regard to plans for improved pedestrian and cycle facilities at the R166. I am satisfied that the development site adjoins an established/emerging residential area, where there is already a wide variety of services and amenities available or within reach. In addition, as noted by the planning authority, the North Drogheda Environs Masterplan allows for the provision of further community infrastructure and facilities in close proximity to the development site. The Community and Social Infrastructure Audit also comments that the development permitted under ABP-305819-19 includes a total of 8.445 sq.m. of public open space, or 14.5% of the total site area. I am satisfied that this provision allows for a significant contribution to the public realm of the area, noting also that it will cater for a reduced residential density at the overall Newtown Wood development on foot of the amendments permitted under reg. ref. 22/821. Finally, I am also satisfied with

regard to the submitted Design Statement and landscaping proposals that the current proposal will make a satisfactory contribution to the public realm of the area at Newfoundwell Road.

- 9.3.3. Having regard to all of the above, I consider that the omission of the proposed gym and café will not result in any significant shortfall in the provision of social and community infrastructure for the residents of the permitted development at Newtown Woods. I also accept the point of the applicant that these permitted facilities were to cater for residents of the permitted development only, thus their omission will not remove facilities that cater for the wider area. The proposed omission of the permitted gym and café is considered acceptable in principle on this basis.
- 9.3.4. Development plan policy objective SC 36 is to seek the provision of additional community benefits by way of direct provision or financial contribution in lieu of the provision of childcare facilities where it is demonstrated to the satisfaction of the Council that there are sufficient childcare spaces available in the locality. As discussed above, the applicant has satisfactorily demonstrated that there is adequate childcare capacity in the area to cater for demand generated by the Newtown Wood development. I consider that the proposed assisted living residential units for older people meet the requirement to provide additional community benefits such that an additional development construction is not necessary in this instance. I note in this regard that the permission issued by the planning authority did not include a condition requiring any such development contribution.

9.4. Principle of Proposed Assisted Living Units

- 9.4.1. The development site is zoned for residential development under the '2A New Residential Phase 1' zoning objective. As set out above, permission was granted for 217 no. residential units at the overall Newtown Wood development under ABP-305819-19, which has been reduced to a total of 177 no. units on foot of the permission granted under reg. ref. 22/821. The proposed 9 no. self-contained assisted living residential units would therefore not result in any significant increase in the overall residential density at Newtown Wood from that originally permitted under ABP-305819-19.
- 9.4.2. The provision of assisted residential units for older people is considered to be consistent with national planning policy as per National Policy Objective NPO 4, to

ensure the creation of attractive, liveable, well-designed, high-quality urban places that are home to diverse and integrated communities and NPO 30 to focus on meeting the needs and opportunities of an ageing population ... to stay healthy and independent, live in their own homes and communities. The development is also in accordance with relevant development plan objectives that support the provision of a range of housing typologies in residential areas, in particular policy objective HOU 10 to continue to support the creation of sustainable communities throughout the County for people across all life stages and policy objective HOU 26 to require the provision of an appropriate mix of house types and sizes in residential developments throughout the County that would meet the needs of the population and support the creation of balanced and inclusive communities. In addition, policy objective HOU 12 supports the provision of independent and/ or assisted living units for older persons and policy objective SC 6 is to ensure the integration of age friendly strategies in new neighbourhoods including the provision of flexible housing typologies. I am satisfied on this basis that the proposed development is acceptable in principle at this location and is in accordance with relevant national planning policy and development plan policies.

10.0 Conclusion and Recommendation

10.1. To conclude, I consider that the proposed omission of the permitted community building, including the permitted childcare facility, and their replacement with 9 no. self-contained assisted living residential units is acceptable in principle at this location. I therefore recommend that the Board uphold the decision of the planning authority and grant permission in this instance.

11.0 Recommended Board Order

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, Co. Louth against the decision made on the 8th day of December 2022 by Louth County Council to grant subject to conditions a permission to Langan Homes Drogheda Limited for the proposed development in accordance with the plans and particulars lodged with the said Council.

Proposed Development:

Permission to modify permitted Strategic Housing Development ABP-305819-19, known as Newtown Wood, by way of a Large-scale Residential Development, to consist of:

- Omission of permitted creche and community building
- 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. Building C contains four units
- Building A is part two storey. Buildings B and C are single storey
- All buildings have the option for the installation of photovoltaic/solar panels on roof slopes depending on orientation and heat pumps
- Access via the permitted development ABP-305819-19
- New pedestrian/cycle access to Newfoundwell Road
- The development includes all car parking, landscaping, infrastructure services and site development works.

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 in 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 proposal 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, 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 governing parent permission under ABP-305819-19 except where departure from those conditions is authorised by virtue of this permission.
- (b) This permission and the governing parent permission 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 drawings and submitted to Louth County Council on the 21st October 2022 shall be authorised by virtue of this permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the parent permission.

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 in the interest 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 interest 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 interest of public health and surface water management.

8. The developer is required to sign a connection agreement with Irish Water prior to any works commencing and connecting to its network. All development is to be carried out in compliance with Irish Water Standards codes and practices.

Reason: In the interest of public health.

9. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

10. 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 Dublin City 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way

Sarah Moran
Senior Planning Inspector
27th March 2023

Appendix I: EIA Preliminary Examination Form

An Bord Pleanála Case Reference ABP-315565-23

Development Summary

Modifications to Permitted SHD ABP-305819-10 to consist of 9 no. self-contained retirement homes Newfoundwell Road, Newtownstalaban, Drogheda, Co. Louth

Examination

Yes / No / Uncertain

1. Is the size or nature of the proposed development exceptional in the context of the existing environment? **No**
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants? No
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*? No
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area? No

Comment (if relevant) N.A.

Sarah Moran, Senior Planning Inspector 27th March 2023

