



OUTLINE PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA07/2019/0718/O**

Date of Application: **8th May 2019**

Site of Proposed Development: **Residential development at 33 Greencastle Road, Kilkeel**

Description of Proposal: **Redevelopment of existing residential site to provide a new residential development of mixed house type**

Applicant: David Graham
Address: 33 Greencastle Road
Kilkeel
BT34 4BH

Agent: Hillen Architects Limited
Address: 87 Central Promenade
Newcastle
BT33 0HH
barry@hillenarchitects.com

Drawing Ref: **01-Rev-02 and 02-Rev-02**

The Council in pursuance of its powers under the above-mentioned Act hereby

GRANTS OUTLINE PLANNING PERMISSION

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.



2. The development hereby permitted shall take place in strict accordance with the following approved plan: **01-Rev-02 and 02-Rev-02.**

Reason: To define the planning permission and for the avoidance of doubt.

3. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto, the number of dwellings and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

4. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 03 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

5. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1. The access shall be constructed in accordance with the approved plan prior to commencement of any other development.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

6. No development shall take place until details of gates, fences, walls or any other proposed structures in addition to the proposed dwellings have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in keeping with the locality.

7. No development shall take place until a plan indicating floor levels of the proposed dwellings in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure the dwellings integrate into the landform.

8. No development should take place on site until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

9. Each building shall be provided with such sanitary pipework, foul drainage and rain water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain water drainage system, once the buildings are occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.



10. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval; or written confirmation from NIW stating that they will adopt a drainage network that will attenuate the 1 in 100 year storm event.

Reason; To safeguard against flood risk to the development and elsewhere.

11. A 2-metre-high acoustic barrier shall be erected along the sites boundary closest to the joinery works as shown on yellow on approved plan 01-Rev-02. The barrier shall be constructed of either masonry, timber panelling (Close lapped with no gaps) or of earth and shall have a minimum self-weight of 25 Kg/m².

Reason: In the interest of amenity as per Environmental Health's recommendation.

12. The facade of nearest dwelling to the neighbouring car wash shall have acoustic upgrading. This should include glazing and ventilation systems.

Reason: In the interest of amenity as per Environmental Health's recommendation.

13. An existing landscape plan showing the position of ALL trees that are protected by TPO (TPO/2006/0060) shall be submitted at Reserved Matters stage.

Reason: To ensure the continuity of amenity afforded by existing trees protected by the onsite TPO.

14. A proposed landscape plan shall be submitted at Reserved Matters stage, which shall also include all trees protected by the TPO (TPO/2006/0060) shall be submitted at Reserved Matters stage. This shall include shall full details of all proposed tree and shrub planting and a programme of works. This landscape plan must also demonstrate how these protected trees are to be retained and protected by the housing layout.

Reason: To ensure the continuity of amenity afforded by existing trees protected by the onsite TPO.

15. No tree shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written consent of the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

16. A 3m wide strip of buffer landscaping shall be planted along the entire north eastern boundary of the site prior to the occupation of any unit, in accordance with a scheme submitted to and approved by the Council.

Reason: To soften the boundary between the development and the adjacent open countryside.



17. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

Informatives

1. The principle of housing development on the subject site is acceptable, however the submitted concept plan is not acceptable. At the Reserved Matters stage a proposal of high quality design, layout and landscaping shall be submitted in accordance with Creating Places and other stipulated conditions.
2. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
3. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
4. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
5. Comments from NI Water

Public water supply within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served. Application to NIW is required to obtain approval to connect.

Foul sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served.

Surface water sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served. Application to NIW is required to obtain approval to connect.

The water requirements for you proposal may be eligible for the provision of a public watermain if it will serve more than 1 property and each property will have an individual supply direct from the proposed public watermain under Article 76 of the above order.

The sewers within your proposal may be eligible for consideration for adoption under Article 161 of the above order if they meet the criteria as set out in the current Sewers for Adoption specification. Existing sewer crossing site.

The applicant is advised to contact NIW Waterline on 03457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Waterline on 03458 770002.

Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment



Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced.

No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW.

Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland).

Applicants should contact NI Water's Water Fittings Regulations team via waterline@niwater.com if they have any queries.

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to #20,000 and / or three months imprisonment.

The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

6. A formal statutory 'Consent to Discharge of Effluent' will be required from the Water Management Unit of the Northern Ireland Environment Agency under the provisions of the Water (NI) Order 1999 in respect of the discharge of foul effluent from a septic tank. Development must not commence until the above consent has been obtained. An application form can be obtained by applying to Water Management Unit, Calvert House, 17 Antrim Road, Lisburn, Co. Antrim, BT28 3AL, or on the website www.doeni.gov.uk/niea/water-home/regulation_of_discharges_industrial.htm. The septic tank should be located at least 15 metres away from the dwelling to minimise potential for odour nuisance. The applicant must ensure that sufficient land will be available in the final development to accommodate the septic tank and effectual effluent dispersal system. To achieve this, the applicant should engage the services of a suitably qualified person.
7. Comments from DfI Rivers
Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order



that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a working strip of appropriate width is retained to, in future, enable riparian landowners to fulfil their statutory obligations/responsibilities.

8. Notwithstanding the terms and conditions of the Department of Infrastructure approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DFI Roads Section Engineer whose address is 1 Cecil St Newry. A monetary deposit will be required to cover works on the public road.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

Dated: 17th December 2020

Authorised Officer: