

Marie Ward
Chief Executive



Comhairle Ceantair
**an Iúir, Mhúrn
agus an Dúin**
**Newry, Mourne
and Down**
District Council

APPROVAL OF PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA07/2019/1748/F**

Date of Application: **15th November 2019**

Site of Proposed Development: **Site on Upper Burren Road, between No. 6 and 10 and extending to the rear of 22 and 26 Milltown Street and 4 Upper Burren Road, Warrenpoint**

Description of Proposal: **Erection of 12 dwellings, with boundary walls, fences, landscaping and associated site works**

Applicant: DBM Contracts Limited
Address: 85 Sycamore
Forest Hills
Newry

Agent: O'Callaghan Planning
Address: Unit 1
10 Monaghan Court
Monaghan Street
Newry
BT35 6BH

Drawing Ref: **P01A (Site Location Plan), P02H (site layout), P04D (landscape layout), P06B (House types), P07B (House Types), P08A (House Types), Noise Impact Assessment, and Landscaping Management Plan**

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

GRANTS 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. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

**Oifig an Iúir
Newry Office**
O'Hagan House
Monaghan Row
Newry BT35 8DJ

**Oifig Dhún Pádraig
Downpatrick Office**
Downshire Civic Centre
Downshire Estate, Ardglass Road
Downpatrick BT30 6GQ

0330 137 4000 (Council)
council@nmandd.org
www.newrymournedown.org

**Ag freastal ar an Dún
agus Ard Mhacha Theas**
Serving Down
and South Armagh



2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawings hereby approved

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

3. The visibility splays at the junction of the proposed access road with the public road shall be provided in accordance with the plans hereby approved, prior to the commencement of any other works or other development.

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

4. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling

5. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 space per dwelling.

Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

6. The Development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted to and approved by the Department for Infrastructure Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

7. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Infrastructure Street Lighting Section. (These works will be carried out entirely at the developer's expense.)

Reason: To ensure the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians.

8. The existing mature trees circled Red and hedgerow along the site boundaries shall be retained, as shown on Drawing P04D.

Reason: To protect the biodiversity value of the site, including protected species.

9. Prior to any works commencing on site, all existing trees as shown on Drawing Number P04D, as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012 *Trees in relation to design, demolition and construction – Recommendations*.



No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect the biodiversity value of the site, including protected species.

10. All works to be carried out within the Root Protection Area (RPA) shall be carried out under the supervision of an experienced and suitably qualified arboriculturist. The arboriculturist shall write a report detailing the works carried out and the implementation of mitigation measures and this shall be submitted to the Planning Authority within 6 weeks of the completion of works within the RPA.

Reason: To protect biodiversity within the site, including protected species.

11. ALL landscape and planting proposals shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The planting plan shall be carried out during the first available planting season after construction works have been completed, in accordance with Drawing Number P04D. The proposed boundary planting to the rear of all units shall be a minimum height of 1m at the time of planting, and shall be allowed to grow on to a minimum height of 2m.

Reason: In the interests of visual and residential amenity.

12. The landscaping scheme for the areas of open space and including lands outside the curtilages of dwellings hereby approved, as indicated on Drawing No. P04D, shall be managed and maintained in accordance with the Landscape Management Plan Document date stamped 13 April 2021. Any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.

13. If within a period of 5 years from the date the development is completed any tree, shrub, or hedge is removed, uprooted, destroyed, 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 written consent to any variation.

Reason: To ensure the provision of landscaping to the site.

14. The boundary fencing associated with each unit as indicated on Drawing No.P04D shall be completed prior to the occupation of the unit it serves, which shall be permanently retained thereafter.

Reason: In the interests of visual and residential amenity.



15. 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 in writing.

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

16. The noise mitigation measures, namely double glazing and acoustic ventilation to all properties as identified in section 4, of the noise impact assessment produced by Irwin Carr Consulting, referenced Rp001N 2021282 (Upper Milltown Rd Burren) and dated 11 November 2021 must be implemented in full. This double glazing and ventilation for each unit shall be completed prior to the occupation of the unit they serve which shall be permanently retained as such thereafter.

Reason: In the interests of residential amenity.

17. No development shall take place until a plan showing an acoustic barrier along the rear boundary of the site (to the rear of Sites 3-11) has been submitted to and approved in writing by the Planning Authority, in conjunction with Environmental Health. This acoustic barrier shall be least 1.8m high (above ground level), and 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: To ensure the orderly development of the site.

18. The acoustic barrier referred to in the condition above, shall be constructed in its entirety prior to any unit hereby approved being occupied which shall be permanently retained thereafter.

Reason: In the interests of residential amenity.

19. Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on site shall immediately cease. The Environmental Health Department shall be informed and a full written risk assessment in line with the current government guidance that details the nature of the risks and necessary mitigation measures should be prepared and submitted for appraisal and approval in writing.

Reason: To ensure the orderly development of the site.

20. All services within the development should be laid underground.

Reason: In the interests of visual amenity.

21. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extension or enlargement (including alteration to roofs) shall be made to the dwellings hereby permitted without the grant of a separate planning permission from the Council.

Reason: The further extension of these dwellings requires detailed consideration to safeguard the amenities of the surrounding area.



22. The upper floor side gable en-suite window for the dwelling on Plot 12 shall be fitted with obscure glazing prior to occupation which shall be permanently retained thereafter.

Reason: To protect the amenity of adjoining residents.

23. The development hereby permitted shall take place in strict accordance with the following approved plans: **P01A (Site Location Plan), P02H (site layout), P04D (landscape layout), P06B (House types), P07B (House Types), P08A (House Types), Noise Impact Assessment and Landscape Management Plan.**

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

Informatives

1. Demolition: All waste generated by this development, e.g. demolition waste (as applicable) being handled/disposed of so as to ensure compliance with the Waste & Contaminated Land (NI) Order 1997 and subordinate Regulations. (Special requirements would apply in respect of, for example, asbestos or other hazardous waste). Further information regarding handling and disposal of such waste can be obtained from the Land & Resource Management Unit of the Northern Ireland Environment Agency, Department of Agriculture, Environment and Rural Affairs NI, – telephone 0300 200 7856.
2. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

Separate approval must be received from Department for Infrastructure in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Geotechnical activities which require Geotechnical Certification shall be submitted to Engineering Policy and Parking Services through the relevant Division. Geotechnical Certification shall be in accordance with the Department for Infrastructures Geotechnical Certification procedures as laid down in the current version of HD 22 Managing Geotechnical Risk: Volume 4: Design Manual for Roads and Bridges

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Department for Infrastructure Street Lighting Consultancy, Marlborough House, Craigavon.



The Applicant is advised to contact Department for Infrastructure, Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets (Northern Ireland) 198

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc, deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

The Road drainage works for this development to be agreed with DfI private streets section prior to commencement

3. Bats

The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to -
 - i. affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - iii. Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- e) To damage or destroy a breeding site or resting place of such an animal.

To avoid any breach of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), all mature trees and/or buildings which require works should be surveyed for the presence of bats by an experienced bat worker or surveyor within 48 hours prior to removal, felling, lopping or demolition. All survey work should be carried out according to the Bat Conservation Trust Good Practice Guidelines (<http://www.bats.org.uk>). If evidence of bat activity is discovered all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

4. Badgers

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*);
- damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.



5. Wild Birds

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August). No works should be carried out on any buildings or structures containing bird's nests unless an appropriate survey has been carried out prior to works commencing and it is confirmed that no active nests are present.

6. NI Water advise the following:-

Public water supply within 20m of your proposal, the Developer is required to consult with NIW by means of a Pre Development Enquiry (PDE) to determine if there is capacity to serve this proposal. Application to NIW is required to obtain approval to connect.

Foul sewer within 20m of your proposal, the Developer is required to consult with NIW by means of a Pre Development Enquiry (PDE) to determine if there is capacity to serve this proposal. Application to NIW is required to obtain approval to connect.

Surface water sewer within 20m of your proposal, the Developer is required to consult with NIW by means of a Pre Development Enquiry (PDE) to determine if there is capacity to serve this proposal. Application to NIW is required to obtain approval to connect.

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 if not already applied for. Under No circumstances will storm water be permitted to enter a public foul sewer. Building over a public watermain is not permitted, and only in exceptional circumstances may building over a public sewer be permitted. WWTW ASSESSMENT / STATUS: Waste Water Treatment Facilities (Warrenpoint WwTW) are presently available to serve this proposal.

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.

A formal water / sewer connection application must be made for all developments, including those where it is proposed to re-use existing connections.



7. 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.
8. 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.

Dated: 14th September 2022

Authorised Officer: