

PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA07/2022/0128/F**

Date of Application: **5 January 2022**

Site of Proposed
Development:

**147 Kilkeel Road
Annalong**

Description of Proposal:

Erection of 7 Residential Dwellings comprised of 2no semi-detached, 5no detached dwellings. Provision of hard and soft landscaping including communal amenity space. Provision of in-curtilage car parking spaces and all associated site works

Applicant: Kathy Graham
Address: 34 Coniamstown Road
Downpatrick
BT30 8LX

Agent: Planning Permission Experts
Address: 32A Bryansford Avenue
Newcastle
BT33 0LG

Drawing Ref: 01B, 02J, 03C, 04A, 05A, 06A, 07A, 08D, 09A, 12, 15C and 16C.

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 must be begun within five years from the date of this permission.
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 01B, 02J, 03C, 04A, 05A, 06A, 07A, 08D, 09A, 12, 15C and 16C.
Reason: To define the planning permission and for the avoidance of doubt.

3. **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 Drawing No.15C Private Streets Determination.
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.

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.15C Private Streets Determination prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

5. No dwellings 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.

6. No dwellings shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking (and turning) of private cars as shown on the approved plan.
Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

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

Reason: Road safety and convenience of traffic and pedestrians.

8. 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's 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.

9. The repairs to the Rocket House as approved under LA07/2023/2524/LBC shall be completed prior to the occupation of any unit hereby approved.

Reason: To secure the Rocket House's ongoing survival as a building of special architectural and historic interest for future generations.

10. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Newry, Mourne and Down District Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

11. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition no. 10.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

12. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition no. 10. These measures shall be implemented and a final archaeological report shall be submitted to Newry, Mourne and Down District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Newry, Mourne and Down District Council.

Reason: To ensure that the results of archaeological works are appropriately analysed

and disseminated and the excavation archive is prepared to a suitable standard for deposition.

13. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. Prior to the occupation of any dwelling hereby approved, planting shall be carried out in accordance with approved plan no. 02J. 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.

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

Reason: In the interest of public health.

15. No development shall take place on site until the surface water drainage works on-site and off-site have been submitted to and approved by the relevant authority. These works shall be constructed and operational prior to the any part of the building coming into use.

Reason: To safeguard the site and adjacent land against flooding and standing water.

16. Should any unforeseen ground contamination be encountered during the development, all works on site should immediately cease. The Environmental Health Department of Newry, Mourne and Down District Council should be informed and a full written risk assessment in line with the current government guidance (Model Procedures for the Management of Land Contamination – CLR11) that details the nature of the risks and necessary mitigation measures should be prepared and submitted for appraisal.

Reason: To protect human health.

17. A working strip at a minimum width of 5 metres located adjacent to the culverted watercourse adjacent the northern boundary as shown on Drawing No. 02J shall be maintained in perpetuity to provide clear access and egress at all times.

Reason: To facilitate future maintenance by DFI Rivers, other statutory undertakers or riparian landowners.

Informatives

1. 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.

2. 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.
3. 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 DFI, 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) 1980.
4. 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.
5. 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
6. 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) 1980.
7. 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 Dfl private streets section prior to commencement.
8. The Road drainage works for this development are to be agreed with Dfl Roads Private Streets section prior to commencement.
9. Street furniture to be placed to the back of footway.

10. 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.
11. 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.
12. BATS (all species)

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.

If there is evidence of bat activity / roosts 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.

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.

13. ALL 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 between 1st March and 31st August.

14. POLLUTION PREVENTION

The applicant should refer and adhere to all relevant Guidance for Pollution Prevention. A full list is available here: <https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/>

15. Demolition Waste:

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.

Dated: 5 August 2024

Authorised Officer:

