



Armagh City
Banbridge
& Craigavon
Borough Council

OUTLINE PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA08/2022/0961/O**

Date of Application: **29 July 2022**

Site of Proposed
Development:

71 Seagoe Road, Portadown, BT63 5HS

Description of Proposal:

Proposed residential housing development, comprising 12 number, two-storey, semi-detached dwelling houses and 1 number detached bungalow, complete with private garden, in curtilage car parking and open amenity landscape area.

Applicant: Glasgiven Contracts Ltd
Address: 16 Ashleigh Court
Glasdrumman Road
Annalong
BT34 4PD

Agent: Knox & Markwell
Address: 14 Donaghadee Road
Bangor
BT20 5RU

Drawing Ref: 01

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. As required by Article 35 of the Planning (Northern Ireland) Order 1991, application for approval of the reserved matters shall be made to the Department 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: Time Limit

- 2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto 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: To enable the Council to consider in detail the proposed development of the site.

- 3. No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours and the finished floor levels of the proposed buildings and the position, height and materials of the buildings in relation to the Listed Church Hall adjacent.

Reason: To ensure the development takes account of the Listed building.

- 4. No development shall take place until there has been submitted to and approved by the Council a landscaping scheme showing the retention of the trees and vegetation along the north western boundary. The landscape plan should provide for a scheme of buffer planting, and a programme of works, for the north-eastern boundary of the application site. All tree and shrub planting shall be carried out in accordance with those details in the first available planting season. Trees or shrubs dying, removed or becoming seriously damaged within 5 years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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

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

The development shall be in accordance with the requirements of the Department's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Street (Northern

Ireland) Order 1980.

6. No other development hereby permitted, shall be commenced, until the road improvements have been completed in accordance with details submitted to and approved by the Department [as indicated generally on the Drawing forming part of the Transport Assessment bearing the date stamp 8th May 2018). The Department may attach to any determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

7. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

8. After completing the remediation works under Condition 7 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

9. The works proposed shall make use of traditional or sympathetic building materials, which respect those found on the listed buildings:

- a. roofs shall be traditionally pitched with natural roof slates
- b. windows shall be timber, paint finish or aluminium
- c. doors shall be timber, paint finish

Reason: To ensure the detailed design respects the character of the listed buildings in terms of scale, height, and massing and in use of appropriate materials, to ensure the detailed design is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

10. The development hereby permitted, shall include provision of an area of 0.048 Hectares within the application site for landscaped communal open space, details of which shall be submitted to and approved, in writing by the Council.

Reason: To ensure amenity space is available concurrently with the development of the site.

Informatives

1. 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.
2. Foul sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served.
3. 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.
4. To ensure compliance with the Water and Sewerage Service (NI) Order 2006 consultation with NIW is essential at design stage with regard to the following matters
Trade effluent discharge
Existing watermain crossing site.
Existing sewer crossing site.
Further information and application forms are available at www.niwater.com or on 08457 440088.
5. Water Management unit recommends the following measure be incorporated :-
In order to decrease the risk of the incorrect diversion of foul sewage to drains carrying rain-surface water each building shall be provided with such sanitary pipe-work, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from the building. The drainage system should also be designed to minimise the risk of wrongly connecting the foul sewage system to the rain-water drainage system, once the buildings are occupied.
The buildings associated with this planning application should not be occupied unless the necessary sewerage infrastructure is in place to transfer foul sewage to

a NI Water sewer in an acceptable manner or a private waste water treatment facility consented by NIEA. It should be noted NIEA does not favour existing sewerage infrastructure being utilised in such a way as to act as a temporary cesspit. Where a temporary cesspit is to be utilised, it should be designed in accordance with current best practice and any transfer or movement of sewage, by tanker or other means, shall be carried out in accordance with The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002.

The applicant complies with the attached Pollution Prevention Guidelines (PPG 5 & 6) in order to minimise the impact of the construction phase of the project on the environment.

It should be noted that several SuDS features may be useful pollution prevention Guideline (PPG 2),

The storm drainage of the site should be designed to the principles of Sustainable Drainage Systems (SuDS) in order to minimise the polluting effects of storm water on waterways. Construction of SuDS should comply with the standards in the design manual for Scotland and Northern Ireland (CIRIA C521)

Should a sewage pumping station be required for this development then the applicant must apply to NIEA WMU for a Water Order (1999) consent for an emergency overflow.

6. 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.
7. 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.
8. 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.
9. 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.

10. With regards to existing water and sewer infrastructure:

-the onus is on the developer to find out if there is existing water and sewer infrastructure within their property.

-it is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near water mains, sewers, pipes and associated works owned or maintained by Northern Ireland Water unless with the prior consent by NI Water.

- developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service.

-where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public water mains, sewers and associated works, the developer may make a Notice under Article 247 of the 2006 Order to have the public infrastructure diverted / realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full costs, company overheads, etc.

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.

If you wish to find out more about what you can or cannot do, if there is existing water or sewer infrastructure in, over or under your property or you want to find out how your proposed development can be served contact NI Water staff on the Developers Service Business Line 03458770002 and ask for the Developers Services Co-Ordination Team.

Copies of our Application Forms can be obtained by contacting the Developers Service Business Line: 03458770002 or by downloading from our webpage www.niwater.com/servicesfordevelopers.asap and Forms

11. 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, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season including 1st March to 31st August.

12. The purpose of the Conditions 7 and 8 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.
13. RU recommends that the applicant consult with the Water Management Unit in NIEA regarding any potential dewatering that may be required during the development including the need for a discharge consent. Discharged waters should meet appropriate discharge consent conditions. Further information can be obtained from: <https://www.daera-ni.gov.uk/articles/regulating-water-discharges>
14. The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:
<https://www.daera-ni.gov.uk/articles/waste-management-licensing>
<https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions>
<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>
15. The applicant should ensure to comply with the Waste Duty of Care with respect to any waste materials taken onto or taken off site. Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 imposes a duty of care on anyone who handles controlled waste. When waste transfers from one person to another a waste transfer note and/or hazardous waste consignment note must be

completed, signed and kept by the parties involved. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 set out the requirement to complete waste transfer notes for waste movements and the Hazardous Waste Regulations (Northern Ireland) 2011 set out the requirements to complete hazardous waste consignment notes for the transfer of hazardous waste. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/duty-care>

<https://www.daerani.gov.uk/articles/hazardous-waste>

16. In accordance with Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 a Waste Management Duty of Care Code of Practice for Northern Ireland June 2016 required by law exists. This code of practice provides practical guidance to everyone subject to the Waste Duty of Care. In Northern Ireland the primary responsibility for duty of care sits with the waste producer and therefore they should ensure they make the appropriate checks as set out in the Code of Practice for Northern Ireland in relation to waste produced. Further information can be obtained from: <https://www.daerani.gov.uk/publications/waste-management-duty-care-code-practice>
17. Any contaminated soils and soil type materials require its hazardous properties to be firstly classified and assessed in accordance with Technical Guidance WM3 – Waste Classification: Guidance on the classification and assessment of waste (1st edition v1.1, May 2018). Classifying a waste correctly is a legal requirement that helps to ensure that the waste is managed appropriately. NIEA therefore expects businesses to be able to demonstrate that any waste classifications based on sample results are reliable and as such conducted in line with Appendix D: Waste Sampling of Technical Guidance WM3.
- Further information can be obtained from:
- <https://www.gov.uk/government/publications/waste-classification-technical-guidance>
18. Regulation 17 of the Waste Regulations (Northern Ireland) 2011 imposes a duty on waste operators to comply with the European Waste Hierarchy. After a hazardous waste assessment is completed then the options for managing this waste should be further considered taking into account the European Waste Hierarchy. The applicant should be reminded that Landfill Waste Acceptance Criteria (WAC) are not relevant to a hazardous waste classification. A WAC test will not identify whether a waste is hazardous or nonhazardous. Before a waste can be disposed of, it must be classified as being either hazardous or non-hazardous, using the characterisation assessment and analysis described by the WM3 Technical Guidance. Then, if a waste hierarchy assessment determines that disposal to landfill is the appropriate disposal option for the waste, chemical WAC testing must be undertaken for wastes destined for inert, stable nonreactive hazardous or hazardous classes of landfill. Further information can be

obtained from:

<https://www.gov.uk/government/publications/waste-classification-technical-guidance>

19. Should the materials be classified as hazardous waste then this material will need to be consigned off site as hazardous waste. NIEA should receive the waste consignment notices 72 hours in advance of any movements off site and waste materials moved off site only by a registered carrier (i.e. ROC permitted). Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/hazardous-waste#toc-3>

<https://www.daera-ni.gov.uk/publications/guide-consigning-hazardous-waste>
20. 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.
21. 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.

Signed Officer: Roisin Hamill

Principal Planning Officer

Dated: 6 July 2023

Armagh City Banbridge & Craigavon Borough Council