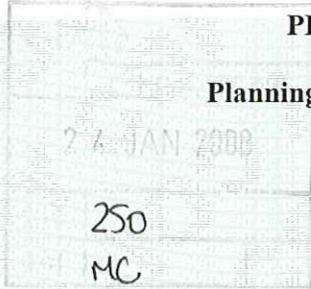




PLANNING PERMISSION

Planning (Northern Ireland) Order 1991



Application No: **M/2005/2009/F**

Date of Application: **12th October 2005**

Site of Proposed Development: **Lands at rear of 1-19 Castle Court, Castlecaulfield, Dungannon**

Description of Proposal: **10 no. apartments with associated landscaping and car parking**

Applicant: **Brans Construction**

Agent: **Mr Cassidy**

Address: **C/O Andrew Nesbitt Architects
121 Donegall Road
Belfast**

Address: **Andrew Nesbitt Architects
Carnegie Studio
121 Donegall Road
Belfast
BT12 5JL**

Drawing Ref: **01, 02 (Revision 1), 03 (Revision 1), 05 (Revision 2), 08 (Revision 4),
09 (Revision 1), 11, 12.**

The Department of the Environment in pursuance of its powers under the above-mentioned Order 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. As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: **Time limit.**

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2. Prior to the commencement of any other site works all existing trees and hedging to be retained, as identified on drawing no.05 (Revision 2) received 14th November 2007, shall be fenced off. This must be at a distance of the crown spread (the outer drip-line of the tree) or half the tree height, whichever is the greater. Fencing shall be at least 1.2m high cleft chestnut pale or chain link, well braced to resist impacts or similar to be agreed in writing with the Department. These works shall be undertaken in accordance with details in the landscape drawing No.05 (Revision 2) dated 14th November 2007, before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within these areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the prior written consent of the Department.

Reason: To ensure the protection of trees and other vegetation to be retained and to ensure the continuity of amenity afforded by existing trees.

3. 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 be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Department. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998, 1989. Recommendations for Tree Work.

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

4. Prior to the occupation of any of the dwellings hereby approved, the developer shall provide the proposed public open space and all peripheral planting as indicated on the approved plan, drawing no.05 (Revision 2) received 14th November 2007.

The trees indicated within plots shall be planted during the first available planting season after the occupation of any dwelling on the plot. These trees shall be retained and maintained by the owner of the plot and the condition referring to such retention and maintenance shall be placed as a condition of the sale of the plot.

All hard and soft landscaping works shown on the approved plans shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice.

Reason: To ensure that the public open space provision is completed prior to the occupation of certain phases of the development for the benefit of the occupiers and to aid the integration of the development into the local landscape as quickly as possible and to assist in the provision of a quality residential environment in accordance with PPS7 Quality Residential Development and PPS8 Open Space, Sport and Outdoor Recreation.

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5. The open space areas referred to in condition no.04 shall be managed and maintained in accordance with the agreed 'landscape management and maintenance plan' submitted to the Department bearing Planning Service date stamp 14th November 2007 and drawing no 05 (Revision 2) bearing the date stamp 14th November 2007..

Reason: To ensure that the open space provided is managed and maintained, in perpetuity, in accordance with the Department's Planning Policy Statement 7 (PPS7)-Quality Residential Environments, and Planning Policy Statement 8 (PPS8)-Open Space, Sport and Outdoor Recreation.

6. No dwelling hereby approved shall be occupied until the Department agrees in writing that an acceptable Management agreement has been signed and put in place with an appropriate management company, for all areas beyond the plot curtilage (excepting adopted road/footpath) and referred to in condition no.05 above, on drawing No.05 (Revision 2) received 14th November 2007. These areas shall be permanently retained as landscape/open space. (See informative 1)

Reason: To ensure that open space is provided, maintained and managed in accordance with the Departments Policy Statements, PPS 7 - Quality Residential Environments and PPS8 - Open Space, Sport and Outdoor Recreation and to ensure its retention in perpetuity.

7. Prior to the occupation of each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed as detailed on drawing no. 05 (Rev2) received 14th November 2007.

Reason: To ensure that boundary treatments are provided in a timely manner to assist in the provision of a quality residential environment in accordance with the Departments Policy Statement PPS 7 - Quality Residential Environments.

8. 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 Department, 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 Department gives its written consent to any variation.

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

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

No part of the development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 08 (Revision 4) bearing the date stamp 15th November 2007. The Department hereby attaches to the 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.

10. 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.

Informatives

1. In order to comply with condition 6, the arrangements for the future management and maintenance in perpetuity of areas of public open space acceptable to the Department include:

- a) a legal agreement transferring ownership of and responsibility for the open space to the local district council; or
- b) a legal agreement transferring ownership and responsibility for the open space to a charitable trust registered by the Charity Commission or a management company supported by such a trust; or
- c) a legal agreement transferring ownership of and responsibility for the open space to a properly constituted residents' association with associated management arrangements. Evidence should be submitted to the Department include:
 - Articles of Association
 - Memorandum of understanding, and
 - Evidence of registration of the company

If an alternative approach to those outlined above is to be followed, it should be demonstrated how the approach can meet the policy requirement for open space to be managed and maintained in perpetuity.

In all cases, the developers will be responsible for the laying out and landscaping of public open space required.

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2. Private Streets Order (Northern Ireland) 1980

Under the above Order 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 and sewers in accordance with the Private Streets Construction Regulations.

3. In order to ensure that the laying of ducts and the erection of columns for street lighting is coordinated with the construction of the streets, the applicant should contact the Roads Service Street Lighting section at Main Street, Moygashel, before any construction work commences.

4. 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.

5. It is the responsibility of the developer to ensure that:

- surface water does not flow from the site onto the public road.
- the existing roadside drainage is accommodated and no water flows from the public road onto the site.
- surface water from the roof of the development hereby approved does not flow onto the public road, including the footway.

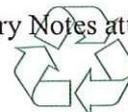
6. Environment and Heritage Service states the following:

- 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 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 minimize 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 sewage infrastructure is in place to transfer foul sewage to a DRD Water Service sewer in an acceptable manner or a private wastewater treatment facility consented by EHS. It should be noted that EHS does not favour existing sewerage infrastructure being utilized in such a way as to act as a temporary "cesspit". Where a temporary "cesspit" is to be utilized, 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 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.

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- Construction of SuDS should comply with the standards in the design manual for Scotland and Northern Ireland (CIRIA C521).
- Any oil tanks serving the houses and apartments should be bunded. Pollution Prevention Guideline (PPG2)
- The applicant complies with the attached Pollution Prevention Guidelines (PPG5 and 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 measures during the construction phase.
- The attached copy of PPG2, 5 and 6 is forwarded to be read in conjunction with the above comments.
- Should a sewage pumping station be required for this development then the applicant must apply to EHS WMU for a Water Order (1999) consent for an "emergency overflow".

7. Water supply not available. The nearest public water main is located at Killyharry Road.

8. Foul water sewer not available. The use of a septic tank, (on the basis of one for each dwelling) is subject to the necessary written consent being obtained from the Environment and Heritage Service and the approval of the local District Council Environmental Health section. The nearest foul water sewer is located at 7 Castlecourt.

Where approval to the use of a septic tank disposal system is granted and the applicant wishes the Water service to provide a periodic desludging service the applicant must complete the necessary 'Form of Agreement' and adhere to the construction requirements contained therein. Contact Water Service's Customer Services Unit to obtain a 'Form of Agreement' form, or telephone Waterline on 0845 7440088.

9. Surface water sewer not available. Surface water must not be taken to the foul sewer. Where it is proposed to discharge surface water to a river, stream or watercourse prior written consent for such discharge must be obtained from the Department of Agriculture's River Agency. The nearest public surface water is located at 7 Castlecourt.

10. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 1973, as amended 1993, consultation with Water Service is essential at design stage with regard to the following matters:

(a) foul water and surface water sewerage (Article 17 agreement) requirements;

Contact Water Service's Customer Services Unit or telephone Waterline on 0845 7440088.

11. The applicant is advised to contact Water Service through its Customer Service's Unit or Waterline on 0845 7440088 upon receipt of this decision to discuss any issues of concern.

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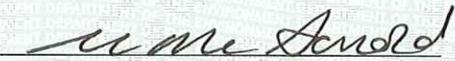
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12. The public sewer can only be accessed through private property. The applicant is required to obtain permission from the land owner to lay the service pipe through the land to the public domain.
13. Water Service would make the following site specific comment: The applicant is advised to contact Water Service directly to discuss whether or not the proposed site can be serviced. If the site can be serviced a financial contribution may be required from the applicant in order for any works required to proceed. The applicant should also be aware that due to competing priorities and financial restraints within Water Service any works required may take between 12 - 18 months to provide.
14. This permission does not alter or extinguish or otherwise effect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
15. 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: 21st January 2008


Authorised Officer

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