



Armagh City
Banbridge
& Craigavon
Borough Council

PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA08/2023/1790/F**

Date of Application: **6 February 2023**

Site of Proposed Development: **Lands 40 metres north-west of no.50 Acton Road, Acton, Newry, BT35 6TE**

Description of Proposal: **Erection of dwelling and garage**

Applicant: Fergal Green
Address: 25 Ballymacanallen Road
Gilford
BT63 6AD

Agent: Stephen Hughes
Address: 45B Magheraville Road
Armagh

Drawing Ref: 01, 03, 04, 05, 02C, 06C

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.

2. The earth removal, foundations and building works required to implement the development hereby approved shall only be carried out between the hours of 07.00

to 19.00 hours Monday – Friday, 07.00 to 13.30 hours on Saturdays and not at any time on Sundays or Bank/Public Holidays.

Reason: To safeguard the living conditions of residents in neighbouring properties.

3. Deliveries to and removals from the site during the construction phase shall only take place within the permitted hours detailed in condition 2 above and all loading and unloading shall take place within the curtilage of the site only.

Reason: In the interests of residential amenity, road safety and the convenience of road users.

4. 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. The hard landscaping works shall be carried out prior to the occupation of the dwelling and the soft landscaping works shall be carried out in the first available planting season following occupation of the dwelling, or in accordance with a programme of works to be submitted to and approved in writing by the Council.

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

5. The existing natural screenings of the site as indicated on drawing number 02C shall be retained in perpetuity unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To ensure the maintenance of a high standard of landscape.

6. No vegetation clearance or removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

7. During the first available planting season after the occupation of the dwelling, a native species hedge shall be planted in a double staggered row 200 mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site.

Reason: To ensure the amenity afforded by existing hedge is maintained.

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 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.

9. No development hereby permitted shall take place until the method of sewage disposal has been submitted to and approved in writing by the Council and thereafter implemented in accordance with the approved details.

Reason: To ensure a practical solution to sewage disposal is possible at this site, to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available.

10. The dwelling hereby approved shall be provided with such sanitary pipework, foul drainage and rainwater drainage as may be necessary for the hygienic and adequate disposal of foul water and rainwater separately from that building. The drainage system shall also be designed to minimise the risk of wrongly connecting the sewage system to the rainwater drainage system once the dwelling is occupied.

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

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

The Council 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 number 06C.

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.

12. The vehicular access, including visibility splays, shall be provided in accordance with drawing number 06C, prior to the commencement of any other development. 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.

13. The dwelling hereby approved shall not be occupied until provision has been made and permanently retained within the curtilage of the site for the parking 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.

Informatives

1. 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.
2. 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.
3. DfI Rivers wishes to advise the applicant of the following:
 - i. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult DfI Rivers accordingly on any related matters.
 - ii. 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 DfI Rivers. 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.
 - iii. 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 DfI Rivers. 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.

iv. If during the course of developing the site the developer uncovers a watercourse not previously evident, he should advise DfI Rivers immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

4. This permission authorises only private domestic use of the garage hereby approved and does not confer approval on the carrying out of trade or business there from.
5. This permission grants planning permission only and other statutory approvals may be required. The developer / applicant are advised that there are other informatives relevant to the application, which are attached to the consultation responses. Please make sure to check all consultation responses at <https://planningregister.planningsystemni.gov.uk/simple-search> and adhere to all the relevant informatives.

Signed Officer: Roisin Hamill

Principal Planning Officer

Dated: 19 May 2025