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**DEVELOPMENT SITE WITH OUTLINE PLANNING PERMISSION FOR 14 DWELLINGS**

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# Planning Act (Northern Ireland) 2011



**Armagh City  
Banbridge  
& Craigavon**  
Borough Council

## OUTLINE PLANNING PERMISSION

### Planning Act (Northern Ireland) 2011

Application No: **LA08/2019/0417/O**

Date of Application: **19th March 2019**

Site of Proposed  
Development:

**Lands between 9 and 15 Fellows Hall Road and to the rear  
of 10 Esker Park  
Killylea  
Armagh  
BT60 4LT**

Description of Proposal:

**Site for housing development.**

Applicant:

Agent:

Address:

Address:

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. Application for approval of the reserved matters shall be made to the Council 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: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

Application No. LA08/2019/0417/O

LA08







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:** This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

**Reason:** To enable the Council to consider in detail the proposed development of the site.

4. 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, the finished floor levels of the proposed buildings. Development shall be carried out in accordance with the approved plans.

**Reason:** To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.

5. At reserved matters stage, a landscaping and planting plan, along with a landscape management plan, shall be submitted to the Council and agreed in writing. Trees or shrubs dying, removed or becoming seriously damaged within five years of the planning approval 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. The landscaping and planting plans shall thereafter be implemented as approved.

**Reason:** To ensure the sustainability of the approved landscape design through its successful establishment and long term maintenance.

6. All hard landscape works shall be carried out before occupation of the dwellings the soft landscaping works shall be completed in accordance with a programme to be agreed in writing with the Council. The landscaping plans shall thereafter be implemented as approved.

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

7. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted







as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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

**8. 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.

**9. At Reserved Matters Stage parking and servicing shall be in accordance with the requirements of the current published Parking Standards.**

**Reason:** To ensure the provision of adequate parking facilities to meet the needs of the development and in the interests of road safety and the convenience of road users.

**10. No development shall take place within the badger protection zone as shown in the area shaded green on drawing number 01 bearing the date stamped received 19-MAR-2019.**

**Reason:** To ensure the proposal doesn't adversely affect protected species or protected habitats.

**11. At Reserved Matters a Site Layout and detailed drawings shall be submitted to the Council containing:**

- Details of 25 metre badger protection zone and the type of fencing proposed for use between this zone, the wildlife corridor and the rest of the development. This Fencing must prevent people entering the buffer zone during construction works and after and shall be retained in perpetuity.
- Details of a planting scheme clearly stating and showing proposed hand planting of thorny native species of tree and shrub within and/or throughout all areas of the protection zone to provide adequate cover and security for badgers. The plant species and location of all thorny native plants proposed for use must be clearly





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shown.

**Reason:** To ensure the proposal doesn't adversely affect protected species or protected habitats.

**12.** At Reserved Matters a Site Lighting Plan shall be submitted to the Council containing:

- Specifications of lighting to be used across the application site
- All measures to mitigate for the impacts of artificial lighting on bats, including low lighting levels to be used across the application site
- A map showing predicted light spillage across the application site (isolux drawing).
- Light spillage to vegetation bordering the application site and the existing single storey stone built shed that is proposed to be retained on site must be less than 1 lux.

**Reason:** To ensure the proposal doesn't adversely affect protected species or protected habitats.

**13.** No vegetation clearance/removal of hedgerows, trees or shrubs or demolition of buildings or structures 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 or demolition and provided written confirmation that no nests are present/birds will be harmed and/or any active breeding bird's nests identified in vegetation proposed for clearance will be protected by a 5 metre buffer/exclusion zone from all development activities until all young have fledged and any active breeding bird's nests identified in or on a building proposed for demolition will be protected by delaying any works beginning on that building until all young have fledged. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.

**Reason:** To ensure the proposal doesn't adversely affect protected species or protected habitats..

**14.** 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 Council for its consideration and approval.

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

**15.** No development should take place on-site until the method of sewage

Application No. LA08/2019/0417/O

LA08







disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

**Reason:** To ensure a practical solution to sewage disposal is possible at this site.

**Informatives**

1. The Council's Environmental Health Department advises the applicant the following:

- The applicant ensuring that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of planning approval.

- 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, Department of the Environment, Northern Ireland Environment Agency, Belfast - telephone 028 90 254792.

- Planning Service receiving confirmation from Northern Ireland Water that a mains water supply is available and that it is feasible for the proposed development to be connected to same. Where mains water supply is not available, the applicant/agent is strongly advised to contact this department before any detailed plans are prepared. (The District Council cannot approve plans for housing development unless a satisfactory water supply is available).

- The developer should be aware that if it is their intention to bring any fill material onto the site they will require a Waste Licensing Exemption under the Waste Management Licensing Regulation (NI) 2003. Applications for such an exemption should be made to the Waste Licensing Section of the Northern Ireland Environment Agency (NIEA) - contact Gary Tate on 028 90 569358.

- Prior to the granting of an exemption under the above regulations the developer will be required to demonstrate to NIEA that planning approval has been granted for infilling/importing inert material to the associated land.

2. Northern Ireland Water (NI Water) advises the applicant of the following:

- There is available capacity at the Waste Water Treatment Works.

- There is a public foul sewer within 20m of the proposed development boundary which can adequately service these proposals. An application to NI Water is required to obtain approval to connect.







- NIW public sewer/s traversing the proposed development site. No construction to be made, trees planted or other obstruction made within 3 metres (or 1.5 times the depth; whichever is greater) of sewers. A diversion may be necessary. Consultation with NIW Developer Services [www.developerservices@niwater.com](mailto:www.developerservices@niwater.com) is required at an early design stage. Further information and guidance notes can be downloaded from NIW website at <https://www.niwater.com/sewers>

- There is a public surface water sewer within 20m of the proposed development boundary which can adequately service these proposals. An application to NI Water is required to obtain approval to connect.

- There is a public water main within 20m of the proposed development boundary which can adequately service these proposals. An application to NI Water is required to obtain approval to connect.

- The applicant must indicate how they propose to address the sewer traversing the site as per NIW guidelines. This has not been included in any of the site drawings.

- No development shall be commenced until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016

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

- All services within the development should be laid underground.

- Development shall not be occupied until the foul water drainage works on-site and off-site have been submitted to and approved by the relevant authority and constructed by the developer in line with approved design.

- Development shall not be occupied until the surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

- 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](mailto:waterline@niwater.com) if they have any queries.

- Where the sewers within the proposal serves two or more properties the developer must enter into an Agreement for Adoption of Sewers under Article 161 of the above







Order. Sewers must be designed to meet the criteria as set out in the current Sewers for Adoption Northern Ireland specification. A connection to the public sewer will not be permitted until the Article 161 Agreement has been authorised by NI Water.

- If your proposal is for more than 1 property it may be eligible for the provision of a public watermain. Single property if accessed directly from a public road/area. For multiple properties each must have an individual supply direct from the proposed public watermain under Article 76 of the above order.

- For single properties where there is no sewer NI Water provide an annual septic tank desludge/emptying service. Further information is available by contacting Waterline on 03457 448800 or [waterline@niwater.com](mailto:waterline@niwater.com). Desludge/emptying request is also available via NIW Self Service Portal at <https://selfservice.niwater.com/DesludgeOpen>

- Upon receipt of this statutory consultation and to discuss any areas of concern, the applicant is advised to contact Waterline on 03457 440088 or [waterline@niwater.com](mailto:waterline@niwater.com). Alternatively, guidance notes and application forms are available to download from NI Water website at <https://www.niwater.com>

- If during the course of developing the site the developer uncovers a pipe not previously evident, NI Water should be contacted immediately via Waterline 03457 440088. NI Water will carry out an investigation, and, provide guidance and direction in respect of any necessary measures to deal with this issue.

### 3. DFI Roads advises the applicant of the following:

- 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.

- All construction materials shall be stored within the curtilage of the site.

- It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

### 4. DAREA - Water Management Unit (WMU) advises the applicant of the following:

- The storm drainage of the site, during site clearance, construction and operational phases of the development, 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 design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA)







manual C753 (2015) The SuDS Manual. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA.

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

- The applicant should consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent conditions.

- The applicant should ensure that the management of all waste are suitably authorised through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. This should be demonstrated through a Site Waste Management Plan (see <http://www.netregs.gov.uk/>)

- The applicant should comply with all the relevant Pollution Prevention Guidance (PPG's) and the replacement guidance series, Guidance for Pollution Prevention (GPPs) in order to minimise the impact of the project on the environment, paying particular attention to:

- PPG 01 - Understanding Your Environmental Responsibilities - Good Environmental Practices

- New GPP 02 - Above ground oil storage tanks.

- PPG 04 - Treatment and disposal of sewage where no foul sewer is available.

- New GPP 05 - Works and maintenance in or near water.

- PPG 06 - Working at construction and demolition sites.

- Compliance with the advice in GPP 05 and PPG06 will help to minimise the impact of the site clearance and construction phases of the project on the environment. These PPGs/GPPs can be accessed by visiting the NetRegs website at <http://search.netregs.org.uk/search?w=pollution%20prevention%20guidelines>

- Should any culverting or piping of watercourses be required, the applicant will be required to adhere to the guidance detailed in Standing Advice - Culverting. Our standing advice can be found by following the link: <https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>

- General advice and guidance on private water supplies can be obtained from the DWI- information leaflet 'Is your private water supply safe?' <https://www.daera-ni.gov.uk/sites/default/files/publications/dwi/water-leaflet-is-your-private-water-supply-safe-2015.pdf>.

More detailed guidance can be obtained from the private water supplies technical manual at: <http://www.privatewatersupplies.gov.uk/>







- Borehole construction should be undertaken by a competent contractor taking account of best practice. Guidance on best practice can be accessed by the Institute of Geologists of Ireland (IGI) at: <http://igi.ie/publications/guidelines/>

- Environment Agency (EA) Guidance on Rainwater Harvesting Guidance can be obtained from:  
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/geho1110bten-e-e.pdf> (PDF 767KB)

- It is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and/or three months imprisonment.

- An application form for consent to discharge under the Water (NI) Order 1999 can be obtained by contacting NIEA Water Management Unit at:

17 Antrim Road, Tonagh,  
Lisburn.  
BT28 3AL

Or by visiting our website: <https://www.daera-ni.gov.uk/articles/regulating-water-discharges>.

- It is an offence under the section 47 of the Fisheries Act (Northern Ireland) 1966 (as amended) to cause pollution which is subsequently shown to have a deleterious effect on fish stocks.

- 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 minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the buildings are occupied.

#### 5. DAREA - Natural Environment Division advises the applicant of the following:

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.





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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.

6. 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.

7. 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: 1st June 2022

Authorised Officer



Application No. LA08/2019/0417/O

LA08











Armagh City, Banbridge & Craigavon Borough Council  
 Planning Act  
 (NI) 2011

**GRANTED**

Subject to Conditions (if any)  
 as set out on

Decision form No. LA08/2019/0417/0  
 Date 01-06-22

0 60m  
 Scale 1:2500

Armagh City, Banbridge & Craigavon Borough Council

19 MAR 2019  
LA08/2019/0417/0  
 Planning Department  
**RECEIVED**

Site Location Map ↑

Armagh City, Banbridge & Craigavon Borough Council

Drawing  
 Number 01

**Housing Development for  
 at Lands Between 9 and 15 Fellows Hall Road, Killylea, Armagh**



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