

PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA10/2024/0480/F**

Date of Application: **28 May 2024**

Site of Proposed Development: **Immediately West of 6 Killyfuddy Road, Killyfuddy, Trillick, BT78 3QP**

Description of Proposal: **Proposed amended house type, siting & additional domestic garage approved under planning approval LA10/2023/2404/RM (Replacement dwelling)**

Applicant: _____
Address: _____

Agent: Desmond O'Neill,
Address: 17 Main Street
Dromore
Omagh

Drawing Ref: 01, 02(rev03), 03(rev01), 05

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 vehicular access including visibility splays of 2.4m x 70m in the Northeast direction and 2.4m x 62m in the Southwest direction and any forward sight distance shall be provided in accordance with Drawing Nr(s) 004 dated November 2023 prior to the commencement/occupation/operation of any other development hereby permitted. The area within the visibility splays 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.

2. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

3. Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

Reason: To ensure waiting vehicles do not encroach onto the carriageway.

4. All proposed planting approved by Fermanagh and Omagh District Council as indicated on Drawing No 02 (rev 03) shall be carried out in the first planting season following the commencement of development on site and any trees or shrubs that die within 5 years of planting shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that a comprehensive landscaping scheme is established on the site complementing the visual amenity of the area.

5. The existing mature trees and vegetation along the entire site boundaries, shall be retained intact except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity.

6. The parking and turning areas for vehicles at the dwelling hereby permitted must be finished in permeable paving or similar Sustainable Drainage Systems (SuDS) system. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753.

Reason: To comply with Policy FLD03 of the FODC Local Development Plan.

7. As required by Section 62 of the Planning (Northern Ireland) Act 2011 the development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission; or
- ii. The expiration of a period of 2 years from the date hereof.

Reason: Time limit.

Informatives

This document is the decision of the Council in respect of application LA10/2024/0480/F. No part of this document may be changed or altered in any way without the consent of the Council. If you wish to verify the accuracy of the decision notice, or download a copy, please check the Planning Portal by searching at: <https://planningregister.planningsystemni.gov.uk/simple-search>

The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the DfI Roads for which separate permissions and arrangements are required.

Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer. A monetary deposit will be required to cover works on the public road.

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. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system.

If there is an intention to discharge any effluent (i.e. surface water or effluent from a private treatment plant) from the proposed development via a Northern Ireland Water (NIW) or privately owned surface water drain, the surface water drain may discharge directly to a watercourse. Discharge Consent under the terms of the Water (NI) Order 1999 may be required.

There is no guarantee that a discharge Consent will always be granted, as a number of site specific factors need to be taken into account in assessing the suitability of the proposed means of effluent disposal.

If it is not possible to adequately manage construction or operational phase site drainage using Sustainable Drainage Systems (SuDS) features, consent to discharge under the terms of the Water (Northern Ireland) Order 1999 may then be required.

Applicants should be aware that 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.

The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

Care will need to be taken to ensure that polluting discharges do not occur during the construction and operational phase of the development. The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Pollution Prevention Guidelines.

Care should be taken to ensure that only clean surface water is discharged to the nearby water environment. Water Management Unit recommends the applicant refers and (where applicable) adheres to the precepts contained in DAERA Standing Advice on Sustainable Drainage Systems in order to minimise the polluting effects of storm water on waterways.

The applicant should note NIEA discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for the disposal of contaminated surface water during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to DAERA Standing Advice on Discharges to the Water Environment.

If the development includes excavation of an underground structure (e.g. tanks), then depending on the geological setting, the potential exists for the water table to be encountered during these works which may require dewatering to take place.

Authorisation may therefore be required, under the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006. The applicant should refer to DAERA Standing Advice on Abstractions and Impoundments.

Dated: 2 August 2024

Paul McDermott, Lead Planner