



APPROVAL OF PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA10/2017/1218/F**

Date of Application: **20th November 2017**

Site of Proposed
Development:

**Killygullan, Lisnaskea accessed from and adjacent to 4
21 & 23 Killygullan Drive, BT92 0HJ**

Description of Proposal:

Construction of 6 No two storey detached dwellings

Applicant:

Address:

Agent:

Address:

McCreanor & Co Architects

85 Plantation Road

Ballydougan

Craigavon

BT63 5NN

**Drawing Ref: 01, 02 REVISION 03, 03 REVISION 02, 05 REVISION 01, 07, 08
REVISION 01, 09, 12, 13, 14, 15, 16, 17, 18**

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. As required by Article 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of the permission.

Reason: Time Limit.





2. Prior to the occupation of each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed as detailed on drawing no. 02 Revision 03 received 12 DEC 2018.

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.

3. During the first available planting season after the first occupation (for habitable purposes) of any dwelling hereby approved, the developer shall construct and carry out all landscaping, in accordance with the details on drawing no. 02 Revision 03 received 28 Sep 2018.

All hard and soft landscape 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 landscaping proposals are completed as soon after occupation of any dwelling as possible for the benefit of the occupiers and to aid integration of the development into the local landscape as quickly as possible and to comply with the requirements of Planning Policy Statement 8 (PPS8) Open Space, Sport and Outdoor Recreation.

4. 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.

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

5. Planting to eastern boundary of site (with listed lodge) shall be implemented at first available planting season using semi mature specimens and staggered understorey planting to depth indicated on Dwg 02 Rev 03 (agent dwg. 07/186/PL02C).

Reason: to ensure the nature of the use proposed respects the character of the setting of the building

6. No dwelling hereby approved shall be occupied until the Council agrees in writing that an acceptable Management and Maintenance Agreement has been signed and put in place with an appropriate management company for all areas of public open space and landscaping as identified in condition no.03 (see informative no.01).

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.

7. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with Drawing 02 Revision 03 dated 12th DEC 2018 and particulars 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 those areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the written consent of the Council.

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

8. 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 commence until all drawings for the determination of the development under the Private Streets (Northern Ireland) Order 1980 have been submitted to and been approved by the Council.

Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980

9. 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 the determined drawing agreed under Condition 8. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with determined drawing. Such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980

10. Roof covering shall be dark slate or tile with a thin leading edge.

Reason: To ensure the nature of the use proposed respects the character of the setting of the building.

11. Painted render shall be in muted paint tone.

Reason: To ensure the nature of the use proposed respects the character of the setting of the building.





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.

DFI ROADS

2. The applicant must apply to the Dfi Roads for a licence indemnifying the Department against any claims arising from the implementation of the proposal.

3. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders 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 (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

4. Separate approval must be received from Dfi in respect of detailed standards required for the construction of streets in accordance with The Private Streets





(Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

5. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Dfi Street Lighting Consultancy, Marlborough House, Craigavon. The Applicant is advised to contact Dfi Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.
6. 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 Department for Infrastructure for which separate permissions and arrangements are required.
7. It is a Dfi Roads requirement that all structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.
8. 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.
9. Notwithstanding the terms and conditions of the Department of Environment'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 Department for Infrastructure 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 Section Engineer whose address is Section Office Main Street, Castle Barracks, Enniskillen. A monetary deposit will be required to cover works on the public road.
10. All construction plant and materials shall be stored within the curtilage of the site.
11. Highway design shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges. In exceptional circumstances Departures from Standard maybe necessary and shall be supported by a full technical, safety, environmental and economic justification. All details shall be submitted to Network Services through the relevant Division.
12. 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.





13. Notwithstanding the terms and conditions of the Department's approval set out above, you are required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street Works Licence before any work is commenced which involves making any opening or placing of any apparatus in a street. The Street Works Licence is available on personal application to the Department for Infrastructure Section Engineer whose address is Section Office Main Street, Castle Barracks, Enniskillen.
14. Geotechnical activities which require Geotechnical Certification shall be submitted to Engineering Policy and Parking Services through the relevant Division. Geotechnical Certification shall be in accordance with the Department for Regional Development's Geotechnical Certification procedures as laid down in the current version of HD 22 Managing Geotechnical Risk: Volume 4: Design Manual for Roads and Bridges.
15. The developer is required to enter into a licence agreement with the DfI Roads for the carrying out of the road works approved, prior to the commencement of any works to the public road network.
16. The licence agreement shall be issued through the Development Control Officer, Network Planning Section, DfI Roads Western Division County Hall, Omagh and the developer should allow up to three months for completion of the licence. Accordingly the developer is advised to make an early personal application for the issue of the licence. He should also initiate early discussions for the satisfactory programming of the road works with the Private Streets Engineer Western Division County Hall, Omagh.
- NI WATER**
17. Public water supply within 20m of your proposal, the Developer is required to consult with NIW to determine how the proposed development can be served. Application to NIW is required to obtain approval to connect.
18. No foul sewer within 20m of your proposal, the Developer is required to consult with NIW and may wish to requisition a foul sewer to serve the proposed development. The use of a Septic Tank, (on the basis of one for each dwelling) is subject to the written consent being obtained from Northern Ireland Environment Agency. Where approval to use a septic tank disposal system is granted, and the applicant wishes NIW to provide a periodic desludging service, the applicant must complete the necessary 'Form of Agreement' and adhere to the construction conditions contained therein. Further information is available on www.niwater.com or call 03457 440088
19. No surface water sewer within 20m of your proposal, developer is required to consult with NIW and may wish to requisition a surface water sewer to serve the proposed development and / or obtain approval from Rivers Agency for discharge to a watercourse.
20. The water requirements for your proposal may be eligible for the provision of





a public watermain if it will serve more than 1 property (1 property if accessed directly from a public road / area) and each property will have an individual supply direct from the proposed public watermain under Article 76 of the above order.

21. From the 23rd May 2016 the Developer must enter into an Agreement for Adoption of the Sewers under Article 161 of the above order. They must be designed to meet the criteria as set out in the current Sewers for Adoptions specification. A connection to the public sewer will not be permitted until such times as the Article 161 Agreement has been authorised by NIW.

22. No construction to be made, trees planted or other obstruction made within • 3m (or 1.5 times the depth whichever is greater) of sewers, OR • 4m (or 1.5 times the depth whichever is greater) of watermains <350mm diameter or 8m of watermains of 350mm diameter or greater. A diversion may be necessary. Consultation with NIW is required at an early design stage. To prevent disturbance/ damage to existing sewers / watermains and in the interest of public safety.

23. The applicant is advised to contact NIW Waterline on 03457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

24. If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Waterline on 03458 770002.

25. Consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced. WWTW ASSESSMENT / STATUS: Waste Water Treatment Facilities (Lisnaskea WwTW) are presently available to serve this proposal. The applicant may wish to requisition NI Water for a Foul and Surface Water (Storm outfall) Sewer for the proposed development site.

26. 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.

27. 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.

ENVIRONMENTAL HEALTH

28. All waste generated by this development, e.g. demolition waste (if applicable) being handled/disposed of so as to ensure compliance with the Waste &





Contaminated Land (N.I.) 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, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast, BT7 2JA – telephone 028 9056 0710.

29. 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 a dwelling unless a satisfactory water supply is available).

30. The developer being 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 Regulations (N.I.) 2003. Applications for such an exemption should be made to the Land Resource Management Unit of the Northern Ireland Environment Agency at Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast, BT7 2JA (Tel – 028 9056 9359). 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.

31. Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on the site should immediately cease. EHS should be informed and a full written risk assessment in line with current government guidance (Model Procedures for the Management of Land Contamination-CLR11) that details the nature of the risks and any necessary mitigation measures and verification (if required) should be prepared and submitted for appraisal.

Building Regulations (NI) 2012

32. Many parts of the Fermanagh and Omagh District Council area are within radon affected areas. Public Health England published updated maps in 2015, which indicate areas where protection measures are considered necessary based on the probability of elevated radon levels. The maps are available at: <http://www.ukradon.org/information/ukmaps> The EHS recommend that the applicant consider the updated maps, and should contact FODC Building Control department in order to determine what remedial measures are required.

Dated: 25th February 2019

Authorised Officer

