



OUTLINE PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA11/2021/0578/O**

Date of Application: **17th May 2021**

Site of Proposed Development: **318 Victoria Road
Burndennett**

Description of Proposal: **Proposed replacement dwelling**

Applicant:
Address:

Agent:
Address:

Drawing Ref: 01, 03 Rev 1

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.





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. The construction of the dwelling hereby permitted shall not commence until the existing building, coloured green on the approved Drawing No. 01 date stamped 17 May 2021, is demolished and all rubble and foundations have been removed from the site.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

4. Within seven days of the demolition of the existing building, coloured green on the approved Drawing No. 01 date stamped 17 May 2021, the exposed gable of the dwelling at 320 Victoria Road shall be made weather tight and finished in a render to match that of the dwelling at 320 Victoria Road.

Reason : To maintain the condition of the adjoining dwelling and to ensure the development is finished to an acceptable standard in the interests of visual amenity.

5. The proposed dwelling shall be sited as indicated on the approved Drawing No. 03 Rev 1 date stamped 15 December 2021.

Reason: To ensure the new dwelling respects the form and character of the existing and adjacent semi-detached dwellings.

6. The proposed dwelling shall have a ridge height of less than 5.5 metres above finished floor level.

Reason: To ensure the new dwelling respects the form and character of the existing and adjacent semi-detached dwellings

7. A site plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels and the position, height and materials of any retaining walls shall be submitted to and approved by the Planning Authority at Reserved Matters stage.

Reason: To ensure the dwelling integrates into the landform and to ensure resident's privacy is not adversely affected.

8. The existing tree within the site, as indicated on the approved Drawing 03 Rev 1 date stamped 15 December 2021, shall be permanently retained unless necessary to prevent danger to the public in which a full explanation shall be





given to the Planning Authority prior to its removal.

Reason: To ensure the development does not adversely impact bat populations.

9. During the first available planting season following the commencement of the development hereby approved, the western boundary of the site shall be defined by a native species hedgerow/trees and shrubs. Details shall be submitted at Reserved Matters stage.

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 Planning Authority, 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 Planning Authority gives its written consent to any variation.

Reason: To compensate for the loss of existing hedgerow and in the interests of maintaining the biodiversity value of the site.

10. No development shall take place until the vehicular access, including visibility splays of 2.4 x 40.0m and forward sight distance of 40.0m are provided. 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. A scale plan and accurate site survey at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the RS1.

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

11. Subject to the above conditions, the development shall be carried out in accordance with the stamped approved Drawing No. 01 received on 17 May 2021 and Drawing No. 03 Rev 1 received on 15 December 2021.

Reason: To ensure a satisfactory form of development.

Informatives

1. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
2. This permission does not confer title. It is the responsibility of the developer to ensure that they control all the lands necessary to carry out the proposed





development.

3. NI Water advise there is no surface water sewer or foul water sewer within 20m of the proposed development. The applicant is advised that consultation with NI Water will be required to determine how the development can be served and application to NI Water will be required to obtain approval to connect.
4. There is an existing electricity pole within the application site. It is the applicants responsibility to requisition NI Electricity and agree any re-location works which may be required to facilitate this development.
5. The applicant is advised that the proposed dwelling is located in close proximity to a main road and noise from road traffic could impact upon the amenity of the occupants of the dwelling. The applicant may wish to engage the services of an acoustic consultant on additional measures that could be incorporated into the building to ensure that a suitable internal noise environment can be achieved.
6. The developer should ensure that any asbestos containing materials present on site are identified. This can be done through the completion of an asbestos survey by a competent surveyor. Any asbestos containing materials should be removed by competent persons. Work on certain asbestos products is licensable but some work on asbestos cement can be carried out without a licence providing workers have had appropriate information, instruction and training. The HSE 'Asbestos Essentials Series' provides further information. The developer should seek the advice of the Northern Ireland Health and Safety Executive on the safe removal and disposal of any asbestos containing materials identified. Further information on Asbestos can be found at: <https://www.hseni.gov.uk/topic/asbestos>.
7. Adequate steps should be taken during construction to control noise and dust. Advice on noise can be found in BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise. Adequate arrangements should be in place for the storage and disposal of waste.
8. The applicant should be aware that an updated Atlas of Radon Affected Areas in NI has been published in August 2015, via Public Health England. A radon affected area is defined as 1% probability or higher of present or future homes above the action level 200Bq/m³ (annual average radon concentration). The indicative atlas 2015 suggests the proposed development is within a Radon Affected Area with greater than 30% of homes at or above the action level.

The applicant is strongly recommended to access the updated atlas at: <http://www.ukradon.org/information/ukmaps> and; <https://www.gov.uk/government/publications/radon-indicative-atlas-for-northern-ireland>





Building Regulations (NI) 2012 Guidance Technical Booklet C Site Preparation and Resistance to Contaminants and Moisture, October 2012 : Section 3 provides further information on the level of protection required and directs to the Building Research Establishment (BRE Reports) which provide detailed guidance on protective measures relevant to new dwellings in NI).

Technical Booklet C can be accessed at: <http://www.buildingcontrol-ni.com/regulations/technical-booklets>.

9. It is the developers responsibility to assess flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.
10. NIEA Natural Environment Division advise that any lighting (including security lighting) proposed to be used on the application site pre, during or post construction must not be directed towards any vegetation remaining on the application site, any compensatory new planting within the application site or any vegetation bordering the application site to protect foraging bats.
11. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:
 - a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
 - b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
 - c) Deliberately to disturb such an animal in such a way as to be likely to -
 - i. affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - iii. Impair its ability to hibernate or migrate;
 - iv. Deliberately to obstruct access to a breeding site or resting place of such an animal; or
 - v. To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts 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.

12. The applicant's attention is drawn to Article 4 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 bird; or
 - take, damage or destroy the nest of any wild bird while that nest is in use or





being built; or

- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

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.

It is therefore advised that any vegetation removal and demolition of the existing building should not take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active birds nests immediately before clearance/demolition 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. If an active nest is found in any vegetation, a 5m protection zone must be created, labelled and fenced off around it. No works must take place in this zone until all young have fledged. If an active nest is discovered on or inside the building, no works must be permitted to take place on or inside that structure until all young have fledged.

13. The applicant is encouraged to treat any Snowberry plants on site with the view of eradicating them from the site completely, especially if they form part of an area of vegetation proposed to be removed from the application site. Great care must be taken when transporting vegetation or soil on or off the site to prevent Snowberry spreading to other areas of the site or areas located beyond the site boundaries.

Dated: 21st February 2022 Authorised Officer

Kathia Hoyer

