



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

OUTLINE PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA10/2021/0354/O**

Date of Application: **26th March 2021**

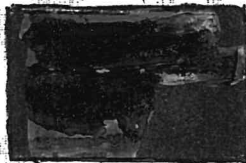
Site of Proposed
Development:

**Rear of 430 Lattone Road, with access off Cashel Road
Scribbagh, Garrison**

Description of Proposal:

**Housing development - 6 no detached/semi-detached
dwellings with domestic garages and 1 no. replacement
dwelling and garage and associated site works**

Applicant:
Address:



Agent: Inspire Architectural Design
Address: Unit 4
135 Tempo Road Business Park
Enniskillen
BT74 4RH

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. The vehicular access, including visibility splays of 2.4m by 33.0m to the north and 2.4m by 60.0m to the south and a forward sight distance of 60.0m, shall be provided in accordance with the attached RS 1 form prior to the commencement of any works or other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the adjoining road 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.

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

No other development hereby permitted, shall be commenced, until the road improvements have been completed in accordance with details submitted to and approved by the Council [as indicated generally on Drawing No. 04. Rev 2 bearing the date stamp 7th September 2022]. The Council may attach to any determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

3. The layout of the development hereby permitted shall be broadly in accordance with Drawing 04 Revision 2 received 07 September 2022.

Reason: To ensure a quality residential development.

4. No wall, fences or other means of enclosure over 1m high shall be erected along the frontage facing the public road of sites 1 and 2.

Reason: in the interests of visual amenity.

5. At Reserved Matters a Landscaping and Planting Plan shall be submitted to the Council. No development activity, including ground preparation or vegetation clearance, shall take place until the Plan has been approved in writing by the Council. The Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council. The Plan shall include:

- a) The retention of mature trees and hedgerows on the site,
- b) Details of the protection of retained trees and hedgerows by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction ? Recommendations;
- c) Planting Schedule to include details of new planting with appropriate numbers of native species of trees/shrub;
- d) Details of the aftercare of all planting on the site.

Reason: To protect existing trees and minimise the impact of the proposal on the biodiversity of the site, including protected/priority species.





6. A suitable buffer of at least 10m must be maintained between the location of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the watercourses present along site boundary.

Reason: To minimise the impact of the development on the biodiversity value of the watercourse.

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

The Council shall, for the purpose of adopting private streets as public roads, 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 Streets (Northern Ireland) Order 1980.

8. The open space areas indicated on concept design date stamped 7th September 2022 shall be managed in perpetuity by a Management Company the details of which shall be submitted to and agreed with the Council at reserved matters stage. (See informative no 3).

Reason: To ensure that the open space provision is managed in perpetuity in accordance with the Departments Planning Policy Statement 8 (PPS8) Open Space, Sport and Outdoor Recreation.

9. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation,





car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping, the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

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

10. 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.





Informatives

1. It should be noted that the concept design date stamped 7th September 2022 and referenced Drawing No. 04 Rev 2 is considered to be a broadly acceptable approach to the development of the site. However it may not be the only concept design that would be acceptable to the Council. If the developer wishes to discuss alternative proposals, then the Council will enter into discussions based on Policy CTY 2 of PPS 21 Sustainable Development in the Countryside and other relevant publications.
2. 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 the otter (*Lutra lutra*) and 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;
 - d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
 - e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat and/or otter activity 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.

BADGER

The applicants 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.





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.

ALL BIRDS

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 tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August).

The applicant should refer and adhere to the precepts contained in DAERA Standing Advice Notes: Pollution Prevention Guidance, Sustainable Drainage Systems and Discharges to the Water Environment. Standing advice notes are available at: <https://www.daera.gov.uk/publications/standing-advice-development-may-have-effect-water-environmentincluding-groundwater-and-fisheries>

3. Rivers Agency advise that a number of undesignated watercourses flow along the southern, western and eastern boundaries of the site. Under 6.32 of the policy a minimum 5m maintenance strip is required unless the watercourse can be maintained from the opposite bank by agreement with the landowner.

The maintenance strip should be level, marked up on all layout drawings and be protected from impediments (including tree planting), land raising or future unapproved development. Clear access and egress should be provided at all times. Prospective purchasers whose property backs onto this watercourse should be made aware of their obligations to maintain the watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

At Reserved Matters stage DfI Rivers would require the submission of a





drainage assessment. The drainage assessment should be appropriate to the scale and nature of the proposed development and the risks involved.

In carrying out the drainage assessment the applicant should acquire from the relevant authority evidence that the proposed storm water run-off from the site can be safely discharged. If the proposal is to discharge into a watercourse then an application should be made to the local DfI Rivers office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973.

4. If it is proposed to discharge storm water into an NI Water system then a Pre-Development Enquiry should be made and if a simple solution cannot be identified then a Network Capacity Check should be carried out. Correspondence with both authorities should be included in the drainage assessment regardless of the outcome. Detailed guidance on the aims and content of a Drainage Assessment can be found in Planning Policy Statement (Planning and Flood Risk) ? Annex D.

Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 the applicant must submit to DfI Rivers, for its consent for any proposal to carry out works which might affect a watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc. Failure to obtain such consent prior to carrying out such proposals is an offence under the aforementioned Order which may lead to prosecution or statutory action as provided for.

5. The Environmental Health Section comment that:
No dwelling should be occupied until there is a suitable and sufficient sewage system.

The proposed foul sewage disposal system must be designed and constructed to a standard which is capable of being adopted by NIW.

Should the adoption of the system not be feasible by NIW, an adequate and effective maintenance and management programme for the sewage package treatment plant and willow treatment beds for a period not less than 20 years shall be submitted and agreed in writing with the Planning Department prior to commencement of the development.

The operation of a sewage package treatment plant will require Consent to Discharge Sewage Effluent to be obtained from The Water Management Unit, Northern Ireland Environment Agency.

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

Planning Department 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 a housing development unless a satisfactory water supply is available).

All waste generated by this development, e.g. demolition waste (if applicable) should be handled/disposed of so as to ensure compliance with current legislation. (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.

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.

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 outlined in the Land Contamination Risk Management (LCRM) that details the nature of the risks and any necessary mitigation measures and verification (if required) should be prepared and submitted for appraisal.

Many parts of Fermanagh and Omagh District Council 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 current Building Regulations in Northern Ireland do not have regard to the updated 2015 Maps. The EHS highly recommend that the applicant consider the updated maps when agreeing radon protection measures with the Council's Building Control Department.

Construction, demolition, engineering works and works of a similar nature should be carried out using the best practicable means available so as to minimise the impact of noise generated by such activities on the nearest noise sensitive dwellings where such activities are to be carried out; consideration should be given to control measures by way of noise generating activities which





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are audible at the nearest noise sensitive dwellings and shall only be operated within the development site between:

08.00 hours and 18.00 hours (Monday to Friday)

08.00 hours and 13.00 hours (Saturday).

No operations on Sundays

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. The developer should ensure that disturbance to neighbouring residents from construction noise is kept to a minimum. To reduce the impacts of construction and civil engineering works at the proposed site:

For any particular job the quietest plant/machinery should be used.

All equipment should be maintained in good order and fitted with appropriate silencers/mufflers/acoustic covers where applicable.

Stationary noise sources should be site away from noise sensitive receptors and where necessary acoustic barriers should be employed.

Dated: 19th October 2022 Authorised Officer

