

APPROVAL OF PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA05/2021/1311/F**

Date of Application: **1st December 2021**

Site of Proposed
Development:

**Gap site between 78 and 84 Lany Road
Moira
Hillsborough**

Description of Proposal:

**Proposed development of gap site between Nos 78 and 84
Lany Road, Moira, to provide 2 No. 2 storey infill dwellings
with detached garages**

Applicant: **Mr Alan Wilson**
Address: **170 Lurgan Road
Dromore
BT25 1HL**

Agent: **Jim Ireland Architects Ltd**
Address: **18 Moss Road
Banbridge
BT32 3NZ**

Drawing Ref: 01/1, 02/1, 03

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 development hereby permitted must be begun within five years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The vehicular accesses, including visibility splays and any forward sight distance is provided in accordance with Drawing No. 02/1, bearing the date stamp 28th September 2022, prior to the commencement of any other works or other development hereby permitted. 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 levels 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.

3. The access gradient to the dwellings 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 or verge, 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.

4. The dwellings shall not be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No. 02/1, bearing the date stamp 28th September 2022 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.

5. Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

Reason: In the interest of road safety and the convenience of road users.

6. The existing natural screenings of the site on the western boundary, as shown on approved plan No. 02/1 bearing the date stamp 28th September 2022 shall be retained. If any retained tree or hedge is removed, dies, or is seriously damaged within 5 years from the date of the occupation of the first building, another tree or hedge of a native species shall be planted during the next planting season.

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

7. All hard and soft landscape works shall be carried out in accordance with the approved details as shown in Drawing No. 02/1 bearing the date stamp 28th September 2022 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out during the first planting season, after the occupation of the first dwelling.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.
8. 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, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.
9. The permeable and impermeable surface finishes to the proposed development are to be implemented as per Drawing No. 02/1 bearing the date stamp 28th September 2022.

Reason: To safeguard against flood risk to the development and from the development to elsewhere.
10. Any unavoidable removal of hedgerows, trees or other vegetation should be undertaken outside the bird breeding season, which runs from 01st March to 31st August.

Reason: In the interests of protected species.
11. If it is considered essential that vegetation removal is carried out during the breeding season, affected area to be checked thoroughly by a suitably qualified ornithologist for nesting activity prior to works commencing and appropriate buffer zones established around any active nests found until the chicks have fledged or breeding activity has ceased.

Reason: In the interests of protected species.
12. All works should remain within the access and construction footprint as shown on the original drawings.

Reason: In the interests of protected species.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. 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.
3. This permission authorises only private domestic use of the proposed premises and does not confer approval on the carrying out of trade or business there from.
4. 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.
5. 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.

Notwithstanding the terms and conditions of the Planning Department's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure - Road's 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 whose address is Lisburn & Castlereagh Section Office, 40a Benson Street, Lisburn. A monetary deposit will be required to cover works on the public road.

All construction plant and 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 roadside drainage is preserved and does not allow water from the road to enter the site.

6. There is a public water main within 20m of the proposed development boundary which can adequately service these proposals.

To ensure compliance with the Water and Sewerage Service (NI) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), consultation with NI Water is essential at an early design stage with

regard to the following matters;

- 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 . 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. 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.

7. 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's attention is drawn to the Welfare of Animals Act (Northern Ireland) 2011 which indicates that it is an offence to cause unnecessary suffering to any animal. There are wild animals such as foxes/rabbits/frogs etc present on site. To avoid any breach of the Act through entombment or injury to animals on site the applicant should ensure that best practices techniques are applied during construction works. Advice on working with wildlife is available from the CIRIA online knowledge base at www.ciria.org

8. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Infrastructure accordingly on any related matters.

Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a working strip of appropriate width is retained to, in future, enable riparian landowners to fulfil their statutory obligations/responsibilities.

9. Water Management Unit refer to DAERA Standing Advice at:
<https://www.daera-ni.gov.uk/publications/standing-advice/development-may-have-effect-water-environment-including-groundwater-and-fisheries> which contains

10. The septic tank/sewage treatment unit shall be as indicated with suitable levels and adequate area of subsoil irrigation for the disposal of effluent (if appropriate). This comment is based on an assessment of potential nuisance and in no way does it negate the need to meet the requirements of the Water (Northern Ireland) Order 1999. Consent to discharge must be obtained from the Northern Ireland Environment Agency.

Dated: 12th January 2023

Authorised Officer

