



## OUTLINE PLANNING PERMISSION

### Planning Act (Northern Ireland) 2011

Application No: **LA11/2021/0857/O**

Date of Application: **5th August 2021**

Site of Proposed  
Development:

**Site between Nos. 100A & 102 Clooney Road  
Eglinton  
BT47 3PB**

Description of Proposal:

**Proposed site for infill dwelling (within an established  
cluster)**

Applicant: Mr George Boyle  
Address: 102 Clooney Road  
Eglinton  
BT47 3PB

Agent: AQB Architectural Workshop Ltd  
Address: 12A Ebrington Terrace  
Waterside  
Derry  
BT47 6JS

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. 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 Planning Authority to consider in detail the proposed development of the site.

3. The proposed dwelling shall have a ridge height of less than 6.5 meters above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape.

4. A site plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels shall be submitted to and approved by the Planning Authority at Reserved Matters stage.

Reason: To ensure the dwelling integrates into the countryside.

5. A landscaping scheme shall be submitted to and approved by the Planning Authority showing:
  - details of all proposed soft and hard landscaping;
  - details of all existing and proposed site boundary treatments;
  - all existing vegetation to be permanently retained except where necessary to provide access/visibility splays.

The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Planning Authority gives written consent to any variation.







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

6. 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 ensure the provision, establishment and maintenance of a high standard of landscape.

7. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the paired access to be constructed generally in accordance with drawing number 01 bearing the date stamp 05 August 2021 and other requirements in accordance with the attached form RS1.

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

8. Subject to the above conditions, the development shall be carried out in accordance with the stamped approved drawing No 01 which was received on 05 August 2021 .

Reason: To ensure the development is carried out in accordance with the approved plans.

#### 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 confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. 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.
4. 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 Local Planning Authority or other statutory authority.

5. 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.
6. 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.
7. Notwithstanding the terms and conditions of the Council'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 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 Derry Section office, 1 Crescent Road, Derry BT47 2NQ. A monetary deposit will be required to cover works on the public road.
8. All construction plant and materials shall be stored within the curtilage of the site.
9. 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 approval does not give consent to discharge surface water into a DfI Roads drainage system.
10. In order to minimise any potential loss to residential amenity the Environmental Health Service recommends that the proposed dwelling is situated as far away as practicable from any agricultural buildings. Due to the presence of existing farm buildings in the vicinity of this development, residential amenity is likely to be affected by farm type odours and noise on occasion from existing farm operations.
11. The proposed development is located close to existing residential properties. The applicant should be advised by way of an informative to ensure that adequate steps are taken during demolition and construction to control noise and dust. Advice on noise can be found in BS5228-1:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites Part 1 Noise.







12. The applicant should be aware that an updated Atlas of Radon Affected Areas in Northern Ireland 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/m<sup>3</sup> (annual average radon concentration). The indicative atlas 2015 suggests the proposed development is within a Radon Affected Area with up to 5 - 10 percent 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 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). Technical Booklet C can be accessed at: <http://www.buildingcontrolni.com/regulations/technical-booklets> New buildings can be protected during construction by installing a radon proof barrier/membrane within the floor structure and, in more seriously affected areas, provision of a ventilated sub-floor void or a 'radon sump'.
13. Adequate arrangements should also be in place for the storage and disposal of waste.
14. In order to protect amenity, the developer should under no circumstances burn any waste materials on the site. Such actions are contrary to the provisions of the Clean Air (Northern Ireland) Order 1981 and the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.
15. 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 Agriculture accordingly on any related matters.
16. 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.
17. 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.







18. 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.
19. 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.

Dated: 14th November 2022

Authorised Officer

