



APPROVAL OF PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA10/2018/0351/F**

Date of Application: **21st February 2018**

Site of Proposed
Development:

**Site opposite no. 12 Craigavon Road
Fintona**

Description of Proposal:

**Housing development comprising 38 no. two storey semi
detached dwellings and 6 no. two storey detached
dwellings and associated works**

Applicant:
Address:

Agent: Bernard Donnelly
Address: 30 Lismore Road
Ballygawley
BT70 2ND

Drawing Ref: Drawing Ref: Drawing Ref: 01, 02 Rev 6, 05 Rev 2, 06, 07, 08, 09,
10, 11, 12, 13 Rev 1, 14 Rev 2, 15 Rev 1 and 16

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 shall be begun before the expiration of 5
years from the date of this permission.

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





2. The existing trees and vegetation shaded in blue on Drawing No 02 Rev 6 date stamp received 28th February 2020 shall be retained in perpetuity.

Reason: In the interests of neighbouring amenity.

3. Upon the occupation of the 26th dwelling hereby approved, the developer shall provide the proposed public open space and all peripheral planting outside each plot as indicated on the approved plan, drawing no. 02 Rev 6 received 28th February 2020.

The trees indicated within each plots shall be planted during the first available planting season after the occupation of any dwelling on the plot. These trees shall be retained and maintained by the owner of the plot and the condition referring to such retention and maintenance shall be placed as a condition of the sale of the plot.

All hard and soft landscaping 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 public open space and peripheral planting provision is provided in a timely manner for the benefit of the occupiers and to aid integration of the development into the local landscape as soon as possible and to assist in the provision of a quality residential environment in accordance with PPS7 Quality Residential Development and PPS8 Open Space, Sport and Outdoor Recreation.

4. All areas of public open space and landscaping as identified in Condition No. 2 shall be managed and maintained in accordance with the Landscape Management and Maintenance Plan to be submitted to and agreed by the Council prior to the occupation of any dwelling hereby approved.

The Landscape Management and Maintenance Plan shall also include details of a native species hedges, trees and shrubs to be planted as indicated on drawing 02 Rev 6 approved plan date stamped 28th February 2020. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure that open space provided, is managed and maintained in accordance with Planning Policy Statement 7 (PPS 7) Quality Residential Environments and Planning Policy Statement 8 (PPS 8) Open Space, Sport and Outdoor Recreation.

5. 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 or an alternative agreement as agreed by the Council for all areas of public open space and landscaping as identified in Condition No. 2.

Reason: To ensure that the open space provided is managed and maintained, in perpetuity, in accordance with Planning Policy Statement 7 (PPS7)-Quality Residential Environments, and Planning Policy Statement 8 (PPS8)-Open Space, Sport and Outdoor Recreation.

6. 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 Rev 6 received 28th February 2020.

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.

7. 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.

8. The vehicular accesses, including forward sight distance of 70.0 metres / visibility splays of 2.4 metres by 70.0 metres in both directions at the main access, forward sight distance of 60.0 metres / 2.0 metres by 60.0 metres in both directions at the minor accesses 30, 31 & 32 shall be provided in accordance with Drawing No 14 rev 02 stamp date 14 October 2019 prior to the commencement of any 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 level 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.

9. The access gradient(s) to the dwelling(s) 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, 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.





10. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, 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 user.

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

The Fermanagh Omagh District Council/Department 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 Drawing No 14 rev 02 stamp date 14 October 2019.

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.

12. 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 occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No 14 Rev 02 stamp date 14 October 2019.

The Fermanagh and Omagh District Council hereby attaches to the 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.

13. Notwithstanding the provisions of Article and Schedule 1, Part 1 Classes A and D of the Planning (General Permitted Development Order (Northern Ireland) 2015 (or any legislation revoking that Order and re-enacting those provisions) no extensions to the proposed dwelling or the erection of outbuildings within its curtilage shall be carried out without the prior agreement in writing of the Council.

Reason: To protect the amenity of neighbouring properties and neighbouring trees and to ensure no development over an underground designated watercourse.





Informatives

1. In order to comply with condition 5, the arrangements for the future management and maintenance in perpetuity of areas of public open space acceptable to the Council 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.

2. 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.

3. It is the responsibility of the developer to ensure that
- surface water does not flow from the site onto the public road.
 - the existing roadside drainage is accommodated and no water flows from the public road onto the site.
 - surface water from the roof of the development hereby approved does not flow onto the public road, including the footway.

4. Maintenance refers to the routine tasks (e.g. mowing, pruning, weeding, watering) required to satisfy appropriate standards of aftercare and to enable the design and implementation objectives in respect of planting to be satisfactorily achieved. It is essential to identify who will be responsible for these tasks over time and changed circumstances (e.g. ownership). A Schedule of Maintenance





Operations is a component of a Landscape Management Plan and is commonly included within a landscape design specification document.

5. A Management Plan will be expected to set out the overall functional and aesthetic objectives of a landscape design and the steps over time (e.g. legal arrangements including ownership, covenants entered into as a burden on statutory charges, management responsibilities, planned maintenance tasks, phased works, monitoring procedures etc.) that will be taken after implementation to ensure that the scheme becomes successfully established and reaches maturity and is sustainable, in perpetuity if that is appropriate

6. 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.

7. 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.

8. 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.

9. 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.

10. Where a Designated watercourse flows through or adjacent to a development site, it is considered essential that a working strip of minimum width 5m is left along the bank in order to facilitate future maintenance of the watercourse by the Rivers Agency. Actual requirement should be determined in consultation with the Agency.

11. There will be a general presumption against the erection of buildings or other structures over the line of culverted watercourses. Any proposal for such requires the written consent/approval of the Rivers Agency. Failure to obtain such approval is an offence under the Drainage Order which may lead to prosecution or other statutory action as provided for.

12. 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. This 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.

All waste generated by this development, eg demolition waste (if applicable) being handled/disposed of so as to ensure compliance with the Waste & Contaminated Land (NI) 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.

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

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 (NI) 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.

13. 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 and dust; and to avoid disturbance of neighbouring residents. Advice on minimising noise from construction activities can be found in BS 5228:2009 Code of practice for noise and vibration control on construction and open sites.

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

15. 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/DFI 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.

16. 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.

17. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DFI Roads Street Lighting Consultancy, Marlborough House, Craigavon. The Applicant is advised to contact DFI Roads Street Lighting Section at an early stage to agree a works programme for works associated with relocating of any existing street light columns. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

18. 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.

19. It is a DFI 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.

20. The development shall not be commenced until a Certificate issued by a Chartered Structural Engineer certifying that the structure has been designed in accordance with the relevant standards and guidance, has been submitted to and accepted by Dfi. The certificate should state;

"I/We certify all reasonable professional skill and care has been used in the design & check of the above named structure in accordance with the following design standards and advice notes"

21. 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 Section Engineer whose address is Section Office Arvalee Road, Omagh. A monetary deposit will be required to cover works on the public road.

22. All construction plant and materials shall be stored within the curtilage of the





site.

23. 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.

24. 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.

25. 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, Arvalee Road, Omagh.

26. 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 of Infrastructure Geotechnical Certification procedures as laid down in the current version of HD 22 Managing Geotechnical Risk: Volume 4: Design Manual for Roads and Bridges.

27. The developer is required to enter into a licence agreement with the Department for Infrastructure, for the carrying out of the road works approved, prior to the commencement of any works to the public road network.

The licence agreement shall be issued through the Development Control Officer, Network Planning Section, 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, Consultancy at County Hall, Omagh.

28. 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 Infrastructure Geotechnical Certification procedures as laid down in the current version of HD 22 Managing Geotechnical Risk: Volume 4: Design Manual for Roads and Bridges.

The developer, future purchasers and their successors in title should note that maintenance of the determined / adopted areas associated with the driveways 30, 31





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

& 32 shall remain the responsibility of the relevant house owners. These driveways are not deemed a public road and are adopted only to retain visibility splays and DFI are not responsible for the maintenance of the hard surface within the verge.

Dated: 16th March 2020

Authorised Officer

Louise Stewart

