

OUTLINE PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA07/2023/2089/O**

Date of Application: **26 January 2023**

Site of Proposed
Development:

**29 Sandy Brae and lands extending to 75m SE of No 31
Sandy Brae, Attical, Kilkeel**

Description of Proposal:

Site for a replacement dwelling and detached garage

Applicant: Marion McCormick and Pauline
Address: McEvoy
126 Tullyframe Road
Attical
Kilkeel
BT34 3FB

Agent: Quinn Design & Engineering
Address: Services
36 Carrogs Road
Burren
Warrenpoint
BT34 3PY

Drawing Ref: NMacCormick1B

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. The development hereby permitted shall take place in strict accordance with the red line indicated on the site location map shown on Drawing No. NMacCormick1B, and the layout, siting and house type shall be broadly in line with the indicative site layout plan shown on Drawing No.NMacCormick1B.

Reason: To define the planning permission and for the avoidance of doubt.

3. 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.

4. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 03 shall be submitted in writing to the Council and shall be carried out as approved.

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

5. The construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing building, coloured green on the approved site location map shown on Drawing No. NMacCormick1B is demolished, all rubble and foundations removed and the site restored in accordance with the details on the approved plans.

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

6. The proposed dwelling shall have a ridge height of less than 6m above finished floor level and a low angle of roof pitch not exceeding 45 degrees and shall be single storey in form.

Reason: To ensure that the development is not prominent in the landscape in accordance with the requirements of PPS 21 and the SPPS.

7. The proposed dwelling, garage and its curtilage shall be sited in the area shaded orange on the approved site location map shown on Drawing No. NMacCormick1B.

Reason: To ensure that the development is integrated in the landscape in accordance

with the requirements of PPS 21 and the SPPS.

8. The depth of the underbuilding between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interests of visual amenity.

9. No development shall take place until there has been submitted to and approved by the Council at reserved matters stage a landscaping scheme showing the retention and augmentation of trees and hedgerows. This scheme shall include the planting of a native species hedgerow or trees including details of the site preparation, planting methods, medium and additives together with species, size and time of planting.

The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the 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 Council gives written consent to any variation.

Reason: To ensure the dwelling integrates into the landform.

10. A block plan of the site indicating the finished floor level(s) of the proposed dwelling in relation to the existing and proposed ground levels and the existing road levels shall be submitted to the Council at Reserved Matters stage.

Reason: To ensure the dwelling integrates into the landform.

11. The proposed dwelling shall exhibit the traditional elements of rural design, particularly in form, proportion and finishes, as set out in Planning Policy Statement 21 - CTY13, and Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

Reason: To ensure the dwelling is in keeping with the character of the rural area.

12. No development shall take place until details of gates, fences, walls or any other proposed structures in addition to the proposed dwelling have been submitted to and approved in writing by the Council at reserved matters stage.

Reason: To ensure that the development is in keeping with the locality

13. Prior to commencement of development the applicant shall submit a copy of their consent to discharge for the proposed site, to be agreed in writing by the Planning Authority.

Reason: To protect the environment and to comply with CTY 16 of Planning Policy Statement 21 - Sustainable Development in the Countryside.

14. Any work which could affect birds' nests (building demolition/vegetation removal) shall be completed outside the bird breeding season (between 1st March and 31st August) to minimise any possible threats to these birds, their nests or their young.

Reason: To comply with the wildlife order

Informatives

1. 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
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. **EXISTING WATER AND SEWER INFRASTRUCTURE**
 - The onus is on the householder/developer to find out if there is existing water and sewer infrastructure within their property.
 - It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water.
 - House owners and developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service.
 - Where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public watermains, sewers and associated works, the householder/developer may make a Notice under Article 247 of the 2006 Order to have the public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full costs, company overheads, etc.
 - It is the responsibility of the house builder/builder/developer to establish if existing public watermains, foul/storm sewers, together with appropriate waste water treatment facilities, have adequate capacity to serve the proposal. To establish how best any development may be served by existing public water and sewerage infrastructure, a Pre Development Enquiry (PDE) would require to be submitted. There is a charge for this service.
 - If your proposed development is not near a public watermain, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NI Water to extend the public watermain or foul/storm sewer system to service your development. This can be done by requisitioning a watermain under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending watermains and sewers.
 - Septic Tank emptying. The applicant must provide a hard standing area with a 3.5m wide access capable of supporting the weight of a sludge tanker within 30

metres of the septic tank.

- If you wish to find out more about what you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers Services Business Line 08458770002 and ask for the Developers Services Co-Ordination Team. Copies of our Application Forms can be obtained by contact the Developers Services Business Line 08458770002 or by downloading from our web page www.niwater.com/servicesfordevelopers.asp and Forms
4. A formal statutory 'Consent to Discharge of Effluent' will be required from the Water Management Unit of the Northern Ireland Environment Agency under the provisions of the Water (NI) Order 1999 in respect of the discharge of foul effluent from a septic tank. Development must not commence until the above consent has been obtained. An application form can be obtained by applying to Water Management Unit, Calvert House, 17 Antrim Road, Lisburn, Co. Antrim, BT28 3AL, or on the website www.doeni.gov.uk/niea/water-home/regulation_of_discharges_industrial.htm. The septic tank should be located at least 15 metres away from the dwelling to minimise potential for odour nuisance. The applicant must ensure that sufficient land will be available in the final development to accommodate the septic tank and effectual effluent dispersal system. To achieve this, the applicant should engage the services of a suitably qualified person.
5. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European protected species included in Schedule II of these Regulations, which includes all species of bat. It is also an offence;
- a) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
 - b) 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;
 - c) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
 - d) 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 must cease immediately and further advice must be sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605
6. 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, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

Dated: 3 October 2023

Authorised Officer:

Anthony McShay

