

**APPROVAL OF PLANNING PERMISSION**

**Planning (Northern Ireland) Order 1991**

Application No: **B/2012/0063/F**

Date of Application: **26th March 2012**

Site of Proposed Development: **Approx. 60m South West of 60 Birren Road  
Tamniarin  
Dungiven  
BT47**

Description of Proposal: **Erection of a one and half storey replacement dwelling and  
detached garage/store**

Applicant: **Mr Gerard O'Connell**  
Address: **c/o TB McBride**

Agent: **TB McBride**  
Address: **3 O'Cahan Place Dungiven  
BT47 4SX**

Drawing Ref: **01, 02, 03, 04**

The Department of the Environment in pursuance of its powers under the above-mentioned Order 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. As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.





**DOE**  
Department of  
the Environment  
www.doeni.gov.uk

Reason: Time limit.

2. Notwithstanding the provisions of Article 3 and Schedule 1, Part 2 of the Planning (General Development) Order (Northern Ireland) 1993 (or any legislation revoking that Order and re-enacting those provisions) no walls, pillars or entrance gates shall be erected at the access onto the road without the prior approval by the Department.

Reason: To preserve the amenity of the countryside and in the interests of visual amenity.

3. The construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing building, coloured green on the approved drawing No. 01 date stamped 9 April 2009 is demolished, all rubble and foundations removed and the site restored.

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

4. This permission is granted solely as a substitute for the permission for a dwelling previously granted under B/2009/0371/O on the 18th November 2009 and only one dwelling shall be constructed on the site.

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

5. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.5 metres at any point.

Reason: In the interest of visual amenity.

6. All existing vegetation on the site boundaries shall be permanently retained and the landscaping of the site shall be carried out in the first available planting season following occupation of the dwelling hereby approved and in accordance with the proposals as detailed in drawing No. 02 received by the Planning Service on the 26th March 2012.

Reason: In the interest of visual amenity.

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 Department, 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 Department gives its written consent to any variation.

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



8. The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted.

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

9. 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 before the development hereby permitted is commenced shall be retained and kept clear thereafter.

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

10. The gradient of the access shall not exceed 8% (1 in 12.5) over the first 5m 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.

11. Subject to the above conditions, the development shall be carried out in accordance with the stamped approved drawing No's 01, 02, 03 and 04 which were received on 26th March 2012.

Reason: To ensure a satisfactory form of development.

### 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 effect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. The onus is on the householder/developer to find out if there is existing water and sewer infrastructure within their property.
4. 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.
5. 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.





# DOE

Department of  
the Environment  
[www.doeni.gov.uk](http://www.doeni.gov.uk)

6. 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 and sewer infrastructure, including full costs, company overheads, etc.

7. 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.

8. 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.

9. 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 served contact NI Water staff on the Developers Service Business Line 08458770002 and ask for the Developers Services Co-Ordination Team. Copies of our Application Forms can be obtained by contacting the Developers Service Business LINE 08458770002 or by downloading from our webpage [www.niwater.com/services](http://www.niwater.com/services) for developers asap and Forms

10. The applicant/agent should satisfy themselves that the proposed development can be provided with an effective means of foul effluent treatment, and disposed of final effluent to a watercourse or underground stratum.

11. A consent to discharge sewage effluent should be obtained from DOE, Environment and Heritage Service, as required by the Water (Northern Ireland) Order 1999.

12. Any septic tank should be positioned a minimum of 15 metres from the proposed dwelling or any other habitable dwelling.

13. The Environmental Health Department of Limavady Borough Council advises that the developer must have legal title in relation to lands used in connection with any septic tank/drainage arrangement associated with the development hereby approved. The developer must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the development hereby approved will have access to these lands for maintenance/improvement works as required.

14. 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





Department of  
the Environment  
[www.doent.gov.uk](http://www.doent.gov.uk)

legislation as may be administered by the Department or other statutory authority.

15. The DRD's Roads Service has pointed out that the existing vehicular access to the dwelling is sub-standard and that, in your interests and that of other road users, measures should be taken to provide acceptable visibility.

Dated: 16th July 2012

Authorised Officer 

