

Addendum

LA01/2016/1157/F

Full Planning

Update

An email was received from the agent on 22 February 2018 stating:

- his client is seeking permission to relocate because the approved dwelling is sited in an area with poor ground conditions and the site is affected by flooding from the nearby watercourse
- when the DFI requirement of a 5m maintenance strip along the watercourse is applied, the approved site becomes limited in terms of buildability – a plan was submitted showing the maintenance strip encroaching over the approved dwelling by approximately 3.5m
- DFI Rivers has advised the agent that because the watercourse is undesignated, DFI Rivers does not have an obligation to maintain the watercourse and would not have the powers to force the adjacent landowner to give them permission to gain access to the watercourse through his land
- photographs were submitted showing current ground conditions
- other issues restricting the development of the approved site are difficulty in obtaining property insurance, or if obtained will be at a high premium; potential flood risk to site and property; higher construction cost due to poor ground conditions and the need for flood risk protection
- a possible solution – a condition could be attached to the planning decision overruling the previous planning approval and this has been applied in a number of previous applications:
 - Q/2015/0030/F – Ballynahinch Road, Dromore (conditions 2 and 3)
 - PAC decision 2013/A0083 – Clon Road Eglinton (conditions 1 and 2)
 - PAC decision 2017/A0013 – Hillsborough Road, Hillsborough (condition 1)

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- if required, his client could obtain a draft 73 legal agreement from his solicitor in order to abandon the previous approval, subject to agreement from Planning.

Consideration

- The Planning Department do not agree that a condition would be a sufficiently robust mechanism to prevent the development of two dwellings
- Section 68 of the Planning Act (NI) 2011 is the appropriate legislative mechanism to consider revocation. However, for the reasons outlined previously, this is not considered expedient.
- DFI Rivers has advised the Planning Department that landowners are the riparians and are responsible for the maintenance of the watercourse. DFI Rivers further advised that the issues are not insurmountable and that while the policy requires a 5m maintenance strip, in the case of this single dwelling it would be achievable to maintain the watercourse with less access and without going to the opposite bank
- Policy FLD 3 (Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains) of PPS15: Planning and Flood Risk advises where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Recommendation

That the Committee notes the contents of the Addendum and agrees with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report.