

## PLANNING PERMISSION

### Planning Act (Northern Ireland) 2011

Application No: **LA07/2022/1442/F**

Date of Application: **5 September 2022**

Site of Proposed  
Development:

**60m north of No. 25 Clonlum Road**  
**Killeavy**  
**Newry**  
**BT35 8LB**

Description of Proposal:

**PROPOSED NEW DWELLING & GARAGE TO SUBSTITUTE  
PREVIOUSLY APPROVED APPLICATION LA07/2021/0423/O  
(Amended description)**

Applicant: Mrs C McGinnis  
Address: 25 Clonlum Road  
  
Killeavy  
  
Newry  
  
BT35 8LB

Agent: M Tumilty  
Address: 16 Glenvale Road  
  
Newry  
  
BT34 2JX

Drawing Ref: 21/86/201, 21/86/102, 21/86/103, 21/86/104 and 21/86/105

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 development hereby permitted shall take place in strict accordance with the following approved plans: Drawing No. 21/86/201, 21/86/102, 21/86/103, 21/86/104 and 21/86/105.  
Reason: To define the planning permission and for the avoidance of doubt.
3. The permission herein conveyed is granted solely as an alternative to the consent previously granted on 03.08.2021 under reference LA07/2021/0423/O for a dwelling and garage on the lands comprising the application site. This consent is not a permission to create an additional dwelling and it may only be implemented in substitution for the previous permission referred to above.  
Reason: To ensure that only one dwelling is created on the site.
4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 21/86/102, 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.
5. The access gradient to the dwelling hereby permitted 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.
6. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.  
Reason: In the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.
7. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling in accordance with approved plans.  
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.
8. 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, unless the Council gives its written consent to any variation.  
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

9. Prior to commencement of development the applicant shall submit a copy of a 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.

### **Informatives**

1. 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.
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. Notwithstanding the terms and conditions of the Planning Authority'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's 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 3 Springhill Road, Newry. A monetary deposit will be required to cover works on the public road.
4. The Roads (Northern Ireland) Order 1993.  
Planning Approval permits "the construction of the means of access". This includes the surfacing of the vehicular crossing point, the removal of boundary to create visibility splays and the formation of new boundary behind visibility splays. Any other works, such as kerbing of the road edge, alteration of the road drainage or laying of services in the road or verge, requires the separate consent of DfI Roads. The consent is available on personal application to the DfI Roads Section Engineer whose address is 3 Springhill Road, Newry. A monetary deposit will be required to cover works on the public road.
5. 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.
6. The applicant is advised that under Policy CTY 10 of PPS 21: Sustainable Development in the Countryside planning permission will not be granted for a dwelling under this policy if a dwelling or development opportunity has been sold off from the farm holding within 10 years of the date of the application. For the purposes of this policy, 'sold-off' will mean any development opportunity disposed of from the farm holding to any other person including a member of family. This planning permission is granted for a dwelling on the farm as provided for in Policy CTY10 of the Planning Policy Statement 21 - Sustainable Development in the Countryside, under Farm Business Reference [REDACTED]

Dated: 8 March 2023

Authorised Officer: [REDACTED]