

SOUTH LAKELAND DISTRICT COUNCIL

LOWER ALLITHWAITE

Reference: **SL/2017/0979**

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS

NOTICE OF GRANT OF OUTLINE PLANNING PERMISSION

To: Michael A Harrison Architect
Green Farm
Mewith Lane
Tatham
Lancaster
LA2 8PJ

Name and Address of applicant (if different from above) Mr Michael Dixon
c/o Agent

Site of Proposal: **Barn Hey Farm, Flookburgh Road, ALLITHWAITE**

Development forming the subject of the application: **Four detached dwellings with associated parking and vehicle access**

In pursuance of the powers under the above Act and Orders, the South Lakeland District Council as district planning authority **HEREBY PERMIT** the development described in your application and on the plans and drawing attached thereto, received on the **25 October 2017** subject to due compliance with the conditions specified hereunder.

- Condition (1) The development to which this permission relates must be begun not later than whichever is the later of the following dates:
- a) FIVE YEARS from the date of this permission; or
 - b) the expiration of TWO YEARS from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Application for the approval of the reserved matters must be made not later than THREE years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- Condition (2) Details of the:- appearance, landscaping, layout and scale (hereinafter called "the reserved matters"); shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To ensure a satisfactory standard of development on site.

- Condition (3) The development hereby permitted shall be carried out in accordance with the following approved documents:

- Location Plan - Drawing No. 244-600 received 25th October 2017.

Reason: For the avoidance of doubt and in the interests of proper planning.

Access;

- Condition (4) No development shall begin, until a scheme for the design, construction (including longitudinal and cross sections), drainage and all off site highway works shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall be designed to a standard suitable for adoption and shall be implemented and completed in accordance with the approved scheme and agreed phasing timetable.

Reason: These details are required to be approved before the commencement of development to ensure a minimum standard of construction in the interests of highway safety in accordance with Policy CS10.2 of the South Lakeland Core Strategy.

Condition (5) The development shall not commence until visibility splays providing clear visibility of 90 metres measured down the centre of the access road and the nearside channel line of the major road have been provided from a point 2.4 metres from the junction of the access with the county highway at a height 1.05 metres above the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be retained, erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety in accordance with Policy CS10.2 of the South Lakeland Core Strategy.

Condition (6) No dwelling hereby approved shall be occupied until the means of vehicular access and associated turning areas has been constructed in accordance with the approved plans/details. The approved means of vehicular access and associated turning areas shall be retained and be capable for use at all times thereafter and shall not be removed or altered without the prior content of the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy CS10.2 of the South Lakeland Core Strategy.

Flood Risk and Drainage;

Condition (7) No development shall take place until a scheme of surface water and foul water disposal works have been submitted to and approved in writing by the Local planning Authority. The development shall not be occupied until the surface water and foul water disposal works have been completed in accordance with the approved scheme. The approved works shall be retained thereafter.

Reason: To ensure adequate provision is made for the management of surface water and sewerage disposal in accordance with saved Policy S26 of the South Lakeland Local Plan.

Environmental Protection;

Condition (8) In the event that contamination is found at any time when carrying out the development hereby approved, the contamination must be reported in writing to the Local Planning Authority within 14 days and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site. An assessment must be undertaken in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent harm to human health and the environment in accordance with National Planning Policy Framework paragraph 17 Core Principles and paragraphs 121 - 122.

Condition (9) No work for the construction of these developments, including demolition, shall take place on the site, except between the hours:

- 08.00 - 18.00 Monday to Friday; and
- 08.00 - 13.00 on Saturdays;

unless otherwise agreed in writing with the Local Planning Authority. In particular, no work should be carried out on Sundays or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.

Reason: These details are required to be approved before the commencement of development to safeguard the amenity of neighbouring occupiers in accordance with Paragraph 17 and Paragraphs 121-123 of the National Planning Policy Framework.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application, as originally submitted, and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

NOTE(1) ON THE EFFECT OF PLANNING PERMISSION

Paragraph 4.24 of the Local Authority development plan document (LADPD) provides guidance in respect of the wider 'Land rear of Barn Hey' residential land allocation. It is stated that the 'development of better pedestrian access into the village, including the creation of the direct pedestrian route to the centre of the village' is a key issue.

The achievement of the requirements of Paragraph 4.24 of the LADPD may necessitate the delivery of a pedestrian linkage to Flookburgh Road via this Application Site.

Any planning application for Approval of Reserved Matters following Outline Approval should give consideration to the potential requirement to deliver a pedestrian linkage to Flookburgh Road via this Application Site in the design and layout of the proposed development so as not to potentially prejudice the delivery of the wider 'Land rear of Barn Hey' residential land allocation and/or create a potential ransom situation.

Please note that the Community Infrastructure Levy (CIL) was adopted by South Lakeland District Council on 1 June 2015. You should check with the CIL section whether or not the works you propose are liable for payment of CIL.

Please contact the CIL officer during office hours on 01539 793439.



Lowther Street
Kendal
23 February 2018

Director (People and Places)