

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

Peter Winter Town Planning Services Ltd
3 Goose Green Cottages
Preston Patrick
Milnthorpe
LA7 7PA
FAO: Mr Peter Winter

APPLICATION No: 4/22/2235/0F1

**RELOCATION OF EXISTING VEHICULAR ACCESS
NURSERY GARDEN ADJACENT TO CROFT PADDOCK, KIRKSANTON**

M & G Developments

The above application dated 26/05/2022 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

Standard Conditions:

1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-

- Site Layout Plan, Location Plan and Proposed (Amended), Scale 1:250 & 1:1000, Drawing No 10046/2, Rev C, received by the Local Planning Authority on the 5th September 2022.
- Planning and Access Statement (Amended), received by the Local Planning Authority on the 23rd June 2022.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004

Pre Commencement Conditions:

3. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

4. The development hereby approved must not commence before the existing highway boundary along the north east of the site has been reduced to a height not exceed 1.05m above the carriageway level of the adjacent highway in accordance with the approved plan 'Site Layout Plan, Location Plan and Proposed (Amended), Scale 1:250 & 1:1000, Drawing No 10046/2, Rev C, received by the Local Planning Authority on the 5th September 2022'. This boundary treatment must be maintained in accordance with these details and must not be raised to a height exceeding 1.05m thereafter.

Reason

In the interests of highway safety.

5. The development hereby approved must not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway in accordance with Drawing Number 10046/2RevC. 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 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 must be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety.

Prior to First Use Conditions:

6. The access must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is brought into use. This surfacing must extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety.

7. Prior to the first use of the access hereby approved at this site, the existing access to the A5093 should be closed up and the boundary treatment must be installed in accordance with the approved plan 'Site Layout Plan, Location Plan and Proposed (Amended), Scale 1:250 & 1:1000, Drawing No 10046/2, Rev C, received by the Local Planning Authority on the 5th September 2022'. The boundary treatment must be retained as such at all times thereafter.

Reason

In the interest of visual amenity.

Other Conditions:

8. Access gates, if provided, must be hung to open inwards only away from the highway.

Reason

In the interests of highway safety.

Informatives:

1. Northern Gas Networks may have apparatus in the area that may be at risk during construction works and should the planning application be approved, then ENW require the promoter of these works to contact them directly to discuss their requirements in detail. Should diversionary works be required these will be fully chargeable.
2. The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity. The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment.

Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Please read the accompanying notice



PP Pat Graham
Chief Executive

05th October 2022

APPROVALS
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.