



**AGENDA ITEM:**

**PLANNING COMMITTEE:  
8<sup>TH</sup> DECEMBER 2016**

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**Report of: Director of Development and Regeneration**

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**SUBJECT: LATE INFORMATION**

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**1.0 INTRODUCTION**

The information below has been received since compilation of your Agenda. The following also includes suggested adjustments to the recommendations further to the receipt of late plans and/or information.

**2.0 ITEM 7 – PLANNING APPLICATIONS**

**REPORT NO. 2 – HENRY ALTY LTD, STATION ROAD, HESKETH BANK**

An additional neighbour representation has been received suggesting that a 6m buffer zone from the top of the ditch to the boundary fence should be provided. The response expresses concerns that there will be an increased risk of flooding, particularly in the south-eastern corner of the site.

**OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

In terms of drainage, a Flood Risk Assessment was undertaken at outline planning stage and the Environment Agency was satisfied with the principles set out within the FRA. Full details of foul and surface water provision will be provided through a discharge of condition application. There is no legal requirement by the Lead Local Flood Authority for a 6m buffer from a ditch, the submitted layout indicates that rear boundary fences abutting the ditch to the southern boundary will be positioned 3m from the ditch and this is considered to be satisfactory.

**Recommendation**

After taking legal advice, it has been concluded that it not necessary to vary the terms of the original S106 Agreement or to remove the schedule 6 requirement

for the primary school contribution. The primary school contribution is linked to the viability of the scheme and was only required if the assessment showed that it was viable. The viability appraisal has been assessed by the Council's consultant and it is accepted that the primary school contribution is not required. Therefore there is an error in paragraph 6.42 of the agenda report.

The recommendation should also be amended to remove the requirement for a planning obligation (Deed of variation) as the terms of the original S106 Agreement do not need to be altered. The recommendation should therefore read:

7.1 That Reserved Matters approval be granted, subject to the following conditions:

An amendment to the conditions is also required as revised plans have been received since compilation of the agenda which show amendments to the landscaping scheme and apartment elevation. Therefore condition number 2 is amended accordingly. A further condition is proposed in relation to electric vehicle charging points.

### Conditions

#### Condition 2 – Plans

Updated plans have been received and the following plan references within Condition 2 require amending:

Plan reference HB-308-01 (affordable housing layout) replaced by HB-308-01 Rev A received by the LPA on 29<sup>th</sup> November 2016;

Plan reference HB-SPS (site parking scheme) replaced by HB-SPS Rev A received by the LPA on 29<sup>th</sup> November 2016;

Plan reference HB-IFD-01 (interface distances) replaced by HB-IFD-01 Rev A received by the LPA on 29<sup>th</sup> November 2016;

Plan reference 30206/101/1 (preliminary levels 1 of 2) received by the LPA on 29<sup>th</sup> November 2016;

Plan reference 30206/101/2 (preliminary levels 2 of 2) received by the LPA on 29<sup>th</sup> November 2016;

Plan Reference "Apartments" Elevations received by the LPA on 6<sup>th</sup> December 2016;

Plan Reference 4711.04 Rev E (Tree Protection Plan 2 of 2) received by the LPA on 6<sup>th</sup> December 2016;

Plan Reference 4711.09 Rev C (Landscape Proposals Sheet 1 of 5) received by the LPA on 6<sup>th</sup> December 2016;

Plan Reference 4711.10 Rev C (Landscape Proposals Sheet 2 of 5) received by the LPA on 6<sup>th</sup> December 2016;

Plan Reference 4711.11 Rev C (Landscape Proposals Sheet 3 of 5) received by the LPA on 6<sup>th</sup> December 2016;

Plan Reference 4711.14 Rev C (Landscape Proposals Sheet 4 of 5) received by the LPA on 6<sup>th</sup> December 2016;

Plan Reference 4711.15 Rev C (Landscape Proposals Sheet 5 of 5) received by the LPA on 6<sup>th</sup> December 2016.

Add the following condition:

15. Prior to the first occupation of any dwelling, that dwelling shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.

Reason: In order to enhance sustainable transport choice and to accord with the provisions of Policy IF2 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

## **REPORT NO. 4 – LAND TO THE EAST OF WHALLEYS ROAD, SKELMERSDALE**

A further consultation response has now been received:

### LCC Lead Local Flood Authority (06.12.2016)

Following the submission of amended drainage information, the Lead Local Flood Authority has confirmed that the proposed drainage solution is acceptable in principle subject to the imposition of a further condition.

### Other Representations

Two further representations have been received from local residents who raise concerns about the following matters:

- a) potential flooding on and off the site, particularly with regards the discharge of surface water downstream along a culverted watercourse that has recently caused flooding off-site;
- b) loss of wildlife habitat and inadequate bird and other ecological surveys;
- c) no need for cycleway

## **OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

There is an error in the submitted agenda report. Paragraph 1.1 refers to the previous outline planning application for the site and the correct reference number should read 2013/1060/WL3.

The submitted ecological surveys including an ecological assessment, bird survey, reptile and bat survey, have all been considered by the Council's ecological advisors, MEAS, and found to be acceptable. As such, subject to conditions pertaining to the outline permission being implemented, impact upon nature conservation will not be so significant to warrant refusal of this application.

The highway authority have indicated that dual use cycle way/footway is required as part of this application.

Drainage details were submitted as part of the current application and the submitted scheme has subsequently been reviewed following advice from the LLFA and the Council's drainage engineer. The revised scheme is now considered to be acceptable in principle by all parties, subject to the imposition of a condition to secure further details.

It is therefore proposed to add the following condition:

#### Condition 8

No development shall commence until further details of the proposed surface water drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include:

- a) The methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;
- b) Calculations which demonstrate that the surface water run-off will not exceed the pre-development greenfield runoff rate;
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation, including phasing as applicable;
- e) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- f) Details of water quality controls, where applicable;
- g) Details of any temporary flow routes and attenuation ponds required to manage surface water throughout the development period;
- h) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company;
- i) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:  
  
on-going inspections relating to performance and asset condition assessments  
  
operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- j) Means of access for maintenance and easements where applicable.

The approved scheme shall be implemented in accordance with the agreed timetable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

## Reason 8

1. To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development and to ensure that water quality is not detrimentally impacted by the proposal in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2017.

## **AGENDA ITEM 8**

There is an omission in paragraph 7.3 of the agenda report and in Appendix E as the comments from the Conservation Area Advisory Panel have not been reported.

The formal CAAP comments were as follows:

- a) To support, as per the report the inclusion within the conservation area of the Cockbeck Tavern and associated car park to the rear of the building.
- b) In addition to (a) above to support the inclusion of the Bowling Green behind the former Cockbeck Tavern to also be included within the conservation area boundary.
- c) To support the provision of a new Article 4 Direction to cover all properties within the conservation area, and
- d) To support the inclusion of controls within the Article 4 Direction area over the provision of solar PV and solar thermal installations on roofs of properties.