

please file

MEMORANDUM

FROM M E Jones - Trainee Solicitor **REF** MEJ/CEW
P11/166

TO John Harrison - Planning Dept. **REF** 8/93/0686

SUBJECT TOWN AND COUNTRY PLANNING ACT - SECTION 106
PLANNING AGREEMENT FOR DEVELOPMENT AT ST. RICHARD'S
SITE, TANHOUSE ROAD, SKELMERSDALE

DATE 17th March 1999 **EXT.**

I refer to the above matter and enclose for your records, a copy of the above Agreement.

.....
M E Jones

mejland

WEST LANC'S D.C. DEVELOPMENT AMENITIES				
DDA	HDS	PEM	ACM	AM
FILE REF.		P.C. ACK.	NOTED REG. ATTN	
RECEIVED		18 MAR 1999		
ACTION		J 26		

DATED

2 March

1999

WEST LANCASHIRE DISTRICT COUNCIL

- and -

LANCASHIRE COUNTY COUNCIL

PLANNING AGREEMENT

**for the provision of community facilities including
public open space with children's play facilities
under the Town and Country Planning Act 1990
Section 106 on land adjacent Tanhouse Road,
Skelmersdale**

**Director of Corporate Resources
West Lancashire District Council
52 Derby Street
Ormskirk
Lancashire L39 2DF**

SEG/CM/1/P11/166

S106LCC

THIS AGREEMENT is made the 2nd day of *march* One thousand nine hundred and ninety-nine BETWEEN THE WEST LANCASHIRE DISTRICT COUNCIL of 52 Derby Street, Ormskirk in the County of Lancashire L39 2DF (hereinafter called "the Council") of the one part and THE LANCASHIRE COUNTY COUNCIL of P.O. Box 78, County Hall, Preston PR1 8XJ ("the Owner") of the other part.

WHEREAS:

- (1) The Council is the Local Planning Authority for the purposes of the Town and Country Planning Act 1990 for the area within which the land edged red on the plan annexed hereto (hereinafter called "the Red Land") is situate and is the Local Planning Authority by whom the obligation is enforceable
- (2) The Owner is the owner in fee simple of the Red Land being an area of land adjacent Tanhouse Road, Skelmersdale subject partly to the covenants, rights and agreements contained mentioned or referred to in a Conveyance dated 7th May 1974 and made between Skelmersdale Development Corporation of the one part and the Owner of the other part and partly the matters contained mentioned or referred to in the Property and Charges Registers of Title No. LA385445 insofar as the said covenants and matters have not been released by a Deed of Release dated 5th January 1998 and made

between Commission for the New Towns of the one part and the Owner of the other part

(3) An outline planning application dated 1st April 1998 was made for the use of the land for residential development incorporating public open space

(4) The Council is desirous of granting outline planning permission for the development outlined in recital (3) above subject to the making of this Agreement without which planning permission for the development would not have been granted

NOW THIS DEED WITNESSETH as follows:-

1. THIS Agreement is made pursuant to Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 and is a planning obligation for the purposes of Section 106.

2. THE Council hereby grants planning permission in respect of Application No. 8/93/0686 and formal notice to that effect is annexed hereto.

3. THE Owner hereby covenants with the Council to:-

(i) pay to the Council the total sum of £250,000 (Two hundred and fifty thousand pounds) in three instalments as follows:

- a first instalment of £55,000 to be made on the execution of this Agreement



Development & Amenities

Director: T L Abernethy BSc MCD MRTPI

PO Box 16
52 Derby Street
Ormskirk
Lancashire L39 2DF
Telephone: (01695) 577177
Fax No: (01695) 585113

PLANNING DECISION NOTICE

OUTLINE PLANNING PERMISSION

Town and Country Planning Act 1990
Town and Country Planning General Regulations 1992

To: Lancashire County Council,
Director of Property Services,
P.O. Box 26,
County Hall,
Preston.

For: Lancashire County Council,

In respect of application no. 8/93/0686 dated 23 JUN 1993,
and in pursuance of it's powers under the above-mentioned Act
and Regulations, West Lancashire District Council as Local
Planning Authority, having considered your application hereby
grants Outline Planning Permission for:-

Proposal : Outline- residential development incorporating
public open space.

Location : Land adj Beacon Special School, bounded by, Tanhouse
Road/Grimshaw Road/Stannanought Road, Tanhouse,
Skelmersdale.

subject to the following condition(s):-

(1) Application for approval of reserved matters must be made not
later than the expiration of three years beginning with the date
of this permission and the development must be begun not later
than which ever is the later of the following dates:

(a) the expiration of five years from the date of this permission;



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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 matter to be approved.

- (2) The development hereby approved shall be carried out in accordance with details shown on the following plans unless otherwise agreed in writing by the Local Planning Authority:-

Location plan dated 28/8/98.

- (3) The development hereby approved shall be carried out strictly in accordance with detailed plans which previously shall have been submitted to and approved in writing by the Local Planning Authority. Such detailed plans shall show:

- (i) Proposed layout of roads and footpaths to a scale of not less than 1/500, including materials, gradients and sections;
- (ii) Proposed means of access from public highways, including visibility splays;
- (iii) Proposed arrangements for disposal of foul and surface water;
- (iv) Proposed layout, siting, design, and external appearance of all buildings; the colour and type of materials to be used in the construction of external walls and roofs;
- (v) Proposed means of access to buildings and parking for motor vehicles;
- (vi) Proposed walls, fences, and other means of enclosure;
- (vii) Location and species of all trees and hedges existing on the site and the proposed location and layout of all open spaces



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and amenity areas.

- (viii) Any proposed changes in existing ground levels.
- (ix) Proposed finished floor levels of each dwelling.
- (4) Prior to commencement of the development a scheme of the means of disposal of surface water and foul sewerage from the site shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of phasing & design and shall be fully implemented in accordance with those details to the satisfaction of the Local Planning Authority.
- (5) Prior to the commencement of the development, a landscaping scheme shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS.3936 (Specification of Nursery Stock) and shall be planted in accordance with BS.4428 (General Landscape Operations). Within a period of 9 months of each dwelling being occupied the respective landscaping details relating to that plot shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting to the satisfaction of the Local Planning Authority.
- (6) Any application for reserved matters shall be accompanied by a detailed technical assessment of the stability of the site.
- (7) The development proposal shall make provision for footpath links from the housing area to the main areas of public open space, community facilities, schools and existing footpath network.
- (8) The highway infrastructure within the development site shall be designed to facilitate access by public transport.



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(9).The development proposed shall make provision for the parking and manoeuvring of coaches and mini-buses serving the sports hall and Beacon School.

(10) Prior to the commencement of development operations, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

The reason(s) for the above condition(s) are:-

(1).Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

(2).For the avoidance of doubt.

(3).The application is in outline and the matters referred to in the Condition are reserved for subsequent approval by the Local Planning Authority.

(4).To ensure that the site is properly drained in the interests of local amenity.

(5).To assimilate the proposed development into its surroundings.

(6).To ensure the safe development of the site.

(7).The provision of an integrated footpath network is in accordance with Policy T11 of the Deposit Draft West Lancashire Local Plan.

(8).To accord with the requirements of Policy T.7 of the Deposit West Lancashire Local Plan.

(9).To accord with the requirements of Policy T.7 of the Deposit West Lancashire Local Plan.



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- (10) To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

NOTE(S)

- (1) It is the responsibility of the person(s) implementing this development to ensure that, where appropriate, Approval under the Building Regulations has been obtained for the building works involved, and that the plans thus approved under those Regulations are for the same works as approved under this permission and do not conflict with this permission or the conditions contained on it. Any amendments to the plans approved by this permission must be drawn to the attention of the Planning Officer.
- (2) The responsibility and subsequent liability for safe development and secure occupancy of this site rests with the developer and/or land owner. Although the Local Planning Authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability. The Local Planning Authority's consideration has been on the basis of the development proposed and these considerations may be different in relation to any other development. The question of stability has been a material planning consideration and resolution of this issue does not necessarily imply that the requirements of any other controlling Authority would be satisfied; in particular the granting of planning permission does not give a Warranty of support or stability.
- (3) Your attention is drawn to the fact that this approval is based upon the original submission as amended by the further plans referred to in Condition No.2 above.

It is important that the development is implemented in accordance with the plans referred to in that Condition, and not in accordance with the superseded plans. The superseded plans were not



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acceptable, and should the development be implemented in accordance with them, you would be in breach of planning control and liable to enforcement action.

- (4) Development on this site should be drained on separate foul and surface water systems. All foul drainage must be connected to the foul sewer and only uncontaminated surface water should be connected to the surface water system.
- (5) Your attention is drawn to the attached comments made on your application by the Environment Agency.
- (6) Your attention is drawn to the attached copy of the formal response from British Coal dated 3rd August 1993.
- (7) This permission is subject to an agreement under S.106 of the Town and Country Planning Act 1990.
- (8) Attention is drawn to Section 31 of the County of Lancashire Act 1984 where plans for the erection or extension of a building are deposited with a District Council in accordance with Building Regulations, the Council shall reject the plans, unless after consultation with the fire authority, they are satisfied that the plans show:-
 - a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and
 - b) that the building or, as the case may be, the extension of the building will not render inadequate any existing means of access for the fire brigade to a neighbouring building.
- (9) This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.



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PLANNING DECISION NOTICE

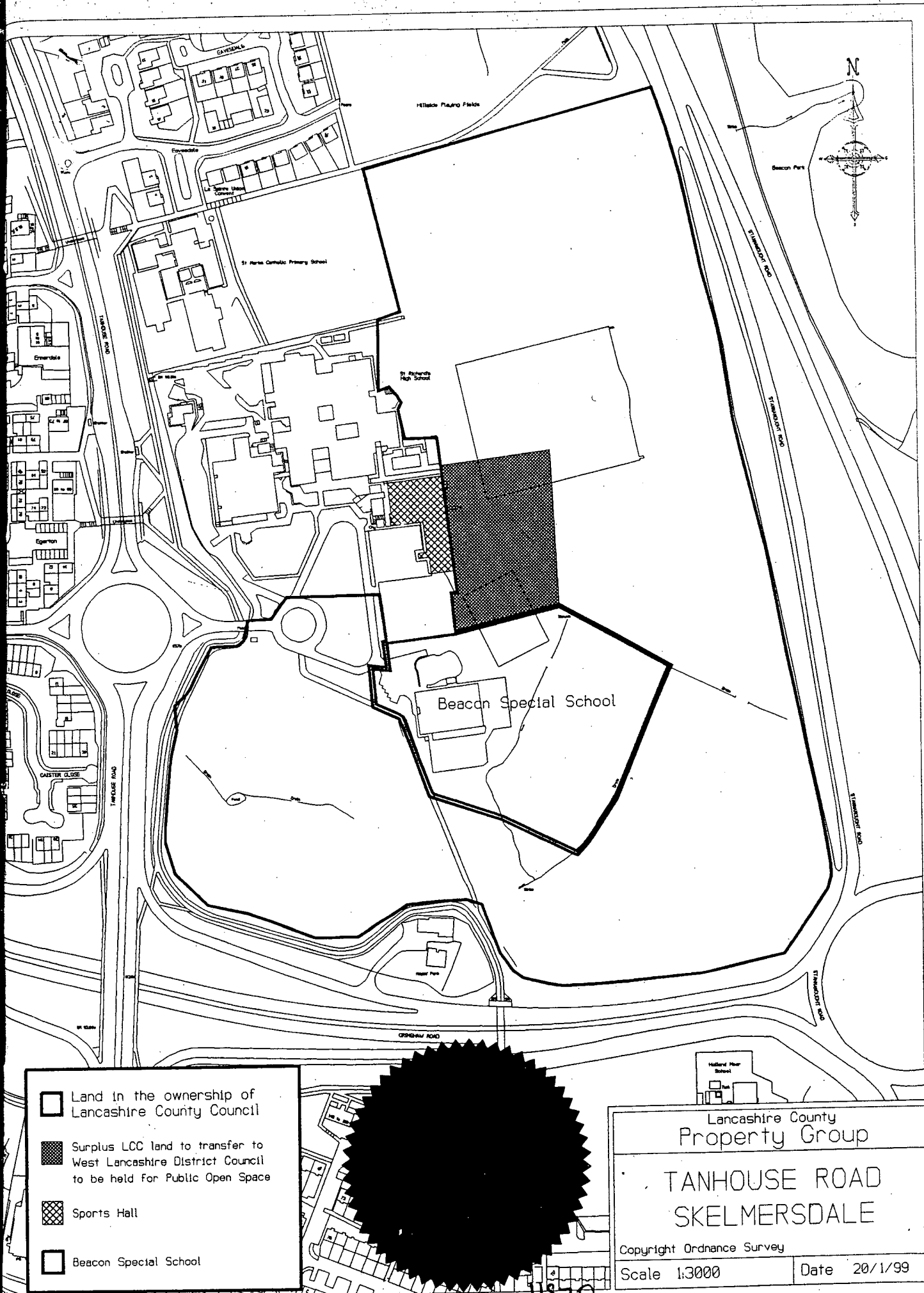
OUTLINE PLANNING PERMISSION

Dated 02 MAR 1999

Signed 

Director of Development and Amenities. 

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE NOTES ATTACHED



Assistant County Secretary

- a second payment of £125,000 to be made either (a) when the Council is able to confirm to the Owner that additional funding to enable its proposed development of the sports hall to proceed has been secured or (b) twelve months after the said first payment whichever is the sooner, and
 - a final payment of £70,000 to be made either (a) twelve months after the said second payment or (b) on final completion by the Owner of the sale of the whole of the surplus land, whichever is the sooner;
- (ii) subject to the matters contained or referred to in the Titles but otherwise free of incumbrances and adverse interest at no cost to the Council transfer to the Council within 12 months of the date hereof the freehold title to the land shown coloured green on the plan annexed hereto, being an area of land approximately 0.66 hectares (1.63 acres), to be held by the Council as public open space;
- (iii) construct all highway infrastructure within the site to a standard capable of serving the whole development site identified in the West Lancashire Local Plan;
- (iv) ensure that the layout of the housing and highway infrastructure does not prejudice the comprehensive

development of the whole of the site allocated in the West Lancashire Local Plan by not retaining any ransom strip on any phase of the development.

4. THE Council hereby covenants with the Owner that upon payment by the Owner of the sum of £250,000 the Council shall

- (i) apply the said sum for the laying out, landscaping and future maintenance of the area of public open space; and the development of the sports hall for community use or the enhancement of public open space provision within the area and
- (ii) release the Owner from any obligation to provide public open space and play equipment and future maintenance of such facilities on any part of the Red Land.

5. THE Owner also hereby covenants with the Council that within one month of every change of ownership or occupation of the whole of the Red Land (but not any such change in respect of any individual dwellinghouse or plot thereon) to give notice thereof in writing with particulars to the Council and to provide the Council with such reasonable information as may be required to ascertain whether there has been a breach or breaches of the hereinbefore recited covenants.

THE COMMON SEAL of the)
LANCASHIRE COUNTY COUNCIL)
was hereunto affixed in pursuance)
of a resolution authorising the)
sealing hereof:-)

Assistant County Secretary



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