



RIBBLE VALLEY
BOROUGH COUNCIL

Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA Tel: 01200 425111 www.ribblevalley.gov.uk

For office use only

Application No.

Date received

Fee paid £

Receipt No:

320111003P

Application for Planning Permission. Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
If you require any further clarification, please contact the Authority's planning department

1. Applicant Name, Address and Contact Details

Title:	Mr	First name:	Brendan	Surname:	Gleeson
Company name:	Liverpool Housing Trust				
Street address:	Liverpool Housing Trust		Country Code	National Number	Extension Number
	12 Hanover Street		Telephone number:		
Town/City:	Liverpool		Mobile number:		
County:			Fax number:		
Country:	United Kingdom		Email address:		
Postcode:	L1 4AA				
Are you an agent acting on behalf of the applicant? <input checked="" type="radio"/> Yes <input type="radio"/> No					

2. Agent Name, Address and Contact Details

Title:	Mr	First Name:	Chris	Surname:	Blake
Company name:	Croft Goode Limited				
Street address:	4 The Crossroads		Country Code	National Number	Extension Number
	Freckleton Street		Telephone number:	01772 686030	
Town/City:	Kirkham		Mobile number:		
County:	Lancashire		Fax number:		
Country:	United Kingdom		Email address:		
Postcode:	PR4 2SH		chris@croftgoode.co.uk		

3. Description of the Proposal

Please describe the proposed development including any change of use:

Eight houses comprising **six** 3 bedroom five person houses for social rent and two 4 bedroom houses for private sale.

Has the building, work or change of use already started?

☐ Yes ☒ No

4. Site Address Details

Full postal address of the site (including full postcode where available)

Description:

House: Suffix:
House name: Land next to 14
Street address: Church Raik

Town/City: Chipping
County: Lancashire
Postcode: PR3 2QL

Eight houses comprises two terraces of three each for social rent and two detached for sale houses

Description of location or a grid reference
(must be completed if postcode is not known):

Easting: 362113
Northing: 443436

5. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes ☐ No

If Yes please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title: Mr First name: Graeme Surname: Thorpe

Reference:

Date (DD/MM/YYYY): 06/12/2011 (Must be pre-application submission)

Details of the pre-application advice received:

Pre-application with Graeme Thorpe, the case officer, as well as other representatives from RVBC advising on housing need conservation, ecology and highways; scheme design was altered in accordance with advice given.

6. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?

☐ Yes ☒ No

Is a new or altered pedestrian access proposed to or from the public highway?

☒ Yes ☐ No

Are there any new public roads to be provided within the site?

☒ Yes ☐ No

Are there any new public rights of way to be provided within or adjacent to the site?

☐ Yes ☒ No

Do the proposals require any diversions/extinguishments and/or creation of rights of way?

☐ Yes ☒ No

If you answered Yes to any of the above questions, please show details on your plans/drawings and state the reference of the plan(s)/drawings(s)

Please refer to drawing 09-1441-P07 Proposed Site Plan.

7. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

☒ Yes ☐ No

If Yes, please provide details:

Please refer to drawing 09-1441-P07 Proposed Site Plan.

Have arrangements been made for the separate storage and collection of recyclable waste?

☒ Yes ☐ No

If Yes, please provide details:

Please refer to drawing 09-1441-P07 Proposed Site Plan.

8. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

☐ Yes ☒ No

9. Materials

Please state what materials (including type colour and name) are to be used externally (if applicable):

Walls - description:Description of *existing* materials and finishes:

Not applicable.

Description of *proposed* materials and finishes:

Rough hewn stone and black stained/burnt timber cladding, white buff brick below DPC and a limited number of other areas.

Roof - description:Description of *existing* materials and finishes:

Not applicable.

Description of *proposed* materials and finishes:

Slate roof tiles or similar approved.

Windows - description:Description of *existing* materials and finishes:

Not applicable.

Description of *proposed* materials and finishes:

Dark/mid-grey uPVC/timber window frames.

Doors - description:Description of *existing* materials and finishes:

Not applicable.

Description of *proposed* materials and finishes:

Dark stained/burnt timber entrance doors to the for sale houses and dark/mid-grey painted entrance doors to the social rent houses.

Boundary treatments - description:Description of *existing* materials and finishes:

Not applicable.

Description of *proposed* materials and finishes:

Timber fencing to side and party boundaries to the rear.

Vehicle access and hard standing - description:Description of *existing* materials and finishes:

Not applicable.

Description of *proposed* materials and finishes:

Tarmacadam roads, paving finish to be confirmed.

Lighting - add descriptionDescription of *existing* materials and finishes:

Not applicable.

Description of *proposed* materials and finishes:

Security lighting to front and rear entranceways.

Others - description:

Type of other material:

Rainwater goods

Description of *existing* materials and finishes:

Not applicable.

Description of *proposed* materials and finishes:

Dark/mid-grey uPVC/aluminium gutters and downpipes.

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement?

☒ Yes ☐ No

If Yes, please state references for the plan(s)/drawing(s)/design and access statement:

Please refer to the following drawings: 09-1441-P04 Proposed Elevations and 09-1441-P05 Proposed Visuals.

10. Vehicle Parking

Please provide information on the existing and proposed number of on-site parking spaces:

Type of vehicle	Existing number of spaces	Total proposed (including spaces retained)	Difference in spaces
Cars	0	14	0
Light goods vehicles/public carrier vehicles	0	0	0
Motorcycles	0	0	0
Disability spaces	0	0	0
Cycle spaces	0	0	0
Other (e.g. Bus)	0	0	0
Short description of Other			

11. Foul Sewage

Please state how foul sewage is to be disposed of:

Mains sewer ☒ Package treatment plant ☐ Unknown ☐
Septic tank ☐ Cess pit ☐

Other

Are you proposing to connect to the existing drainage system? ☒ Yes ☐ No ☐ Unknown

If Yes, please include the details of the existing system on the application drawings and state references for the plan(s)/drawing(s):

Information to be obtained from local utilities provider.

12. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.)

☐ Yes ☒ No

If Yes, you will need to submit an appropriate flood risk assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

☐ Yes ☒ No

Will the proposal increase the flood risk elsewhere?

☐ Yes ☒ No

How will surface water be disposed of?

☐ Sustainable drainage system

☒ Main sewer

☐ Pond/lake

☐ Soakaway

☐ Existing watercourse

13. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the guidance notes for further information on when there is a reasonable likelihood that any important biodiversity or geological conservation features may be present or nearby and whether they are likely to be affected by your proposals.

Having referred to the guidance notes, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site OR on land adjacent to or near the application site:

a) Protected and priority species

☐ Yes, on the development site ☐ Yes, on land adjacent to or near the proposed development ☒ No

b) Designated sites, important habitats or other biodiversity features

☐ Yes, on the development site ☐ Yes, on land adjacent to or near the proposed development ☒ No

c) Features of geological conservation importance

☐ Yes, on the development site ☐ Yes, on land adjacent to or near the proposed development ☒ No

14. Existing Use

Please describe the current use of the site:

Vacant green space.

Is the site currently vacant? ☒ Yes ☐ No

If Yes, please describe the last use of the site:

Not known.

When did this use end (if known) (DD/MM/YYYY)?

Does the proposal involve any of the following?

If yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated? ☐ Yes ☒ No

Land where contamination is suspected for all or part of the site? ☐ Yes ☒ No

A proposed use that would be particularly vulnerable to the presence of contamination? ☐ Yes ☒ No

15. Trees and Hedges

Are there trees or hedges on the proposed development site? ☒ Yes ☐ No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?

☒ Yes ☐ No

If Yes to either or both of the above you may need to provide a full Tree Survey, at the discretion of your local planning authority. If a Tree Survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to construction - Recommendations'.

3. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste?

☐ Yes ☒ No

320111003 P

17. Residential Units

Does your proposal include the gain or loss of residential units?

☒ Yes ☐ No

Market Housing - Proposed

	Number of bedrooms				
	1	2	3	4+	Unknown
Houses				2	
Flats/Maisonettes					
Live-Work units					
Cluster flats					
Sheltered housing					
Bedsit/Studios					
Unknown					

Proposed Market Housing Total

2

Market Housing - Existing

	Number of bedrooms				
	1	2	3	4+	Unknown
Houses					
Flats/Maisonettes					
Live-Work units					
Cluster flats					
Sheltered housing					
Bedsit/Studios					
Unknown					

Existing Market Housing Total

0

Social Rented Housing - Proposed

	Number of bedrooms				
	1	2	3	4+	Unknown
Houses			6		
Flats/Maisonettes					
Live-Work units					
Cluster flats					
Sheltered housing					
Bedsit/Studios					
Unknown					

Proposed Social Rented Housing Total

6

Social Rented Housing - Existing

	Number of bedrooms				
	1	2	3	4+	Unknown
Houses					
Flats/Maisonettes					
Live-Work units					
Cluster flats					
Sheltered housing					
Bedsit/Studios					
Unknown					

Existing Social Rented Housing Total

0

Overall Residential Unit Totals

Total proposed residential units	8
Total existing residential units	0

18. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?

☐ Yes ☒ No

19. Employment

If known, please complete the following information regarding employees:

	Full-time	Part-time	Equivalent number of full-time
Existing employees	0	0	0
Proposed employees	0	0	0

20. Hours of Opening

If known, please state the hours of opening for each non-residential use proposed:

Use	Monday to Friday		Saturday		Sunday and Bank Holidays		Not Known
	Start Time	End Time	Start Time	End Time	Start Time	End Time	

21. Site Area

What is the site area?

1,845

sq.metres

22. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant ventilation or air conditioning. Please include the type of machinery which may be installed on site:

Not applicable.

Is the proposal for a waste management development?

☐ Yes ☒ No

23. Hazardous Substances

Is any hazardous waste involved in the proposal?

☐ Yes ☒ No

24. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☐ The agent ☒ The applicant ☐ Other person

25. Certificates (Certificate B)

Certificate of Ownership - Certificate B

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which this application relates.

Notice recipient	Date notice served
------------------	--------------------

Title: Mr	First name: Chris	Surname: Blake
-----------	-------------------	----------------

Person role: Agent	Declaration date: 28/11/2011	<input checked="" type="checkbox"/> Declaration made
--------------------	------------------------------	--

25. Certificates (Agricultural Land Declaration)

Agricultural Land Declaration

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

Agricultural Land Declaration - You Must Complete Either A or B

(A) None of the land to which the application relates is, or is part of an agricultural holding.

(B) I have/The applicant has given the requisite notice to every person other than myself/the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:

If any part of the land is an agricultural holding, of which the applicant is the sole tenant, the applicant should complete part (B) of the form by writing 'sole tenant - not applicable' in the first column of the table below

Title: Mr	First Name: Chris	Surname: Blake
-----------	-------------------	----------------

Person role: Agent	Declaration date: 28/11/2011	<input checked="" type="checkbox"/> Declaration Made
--------------------	------------------------------	--

26. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information



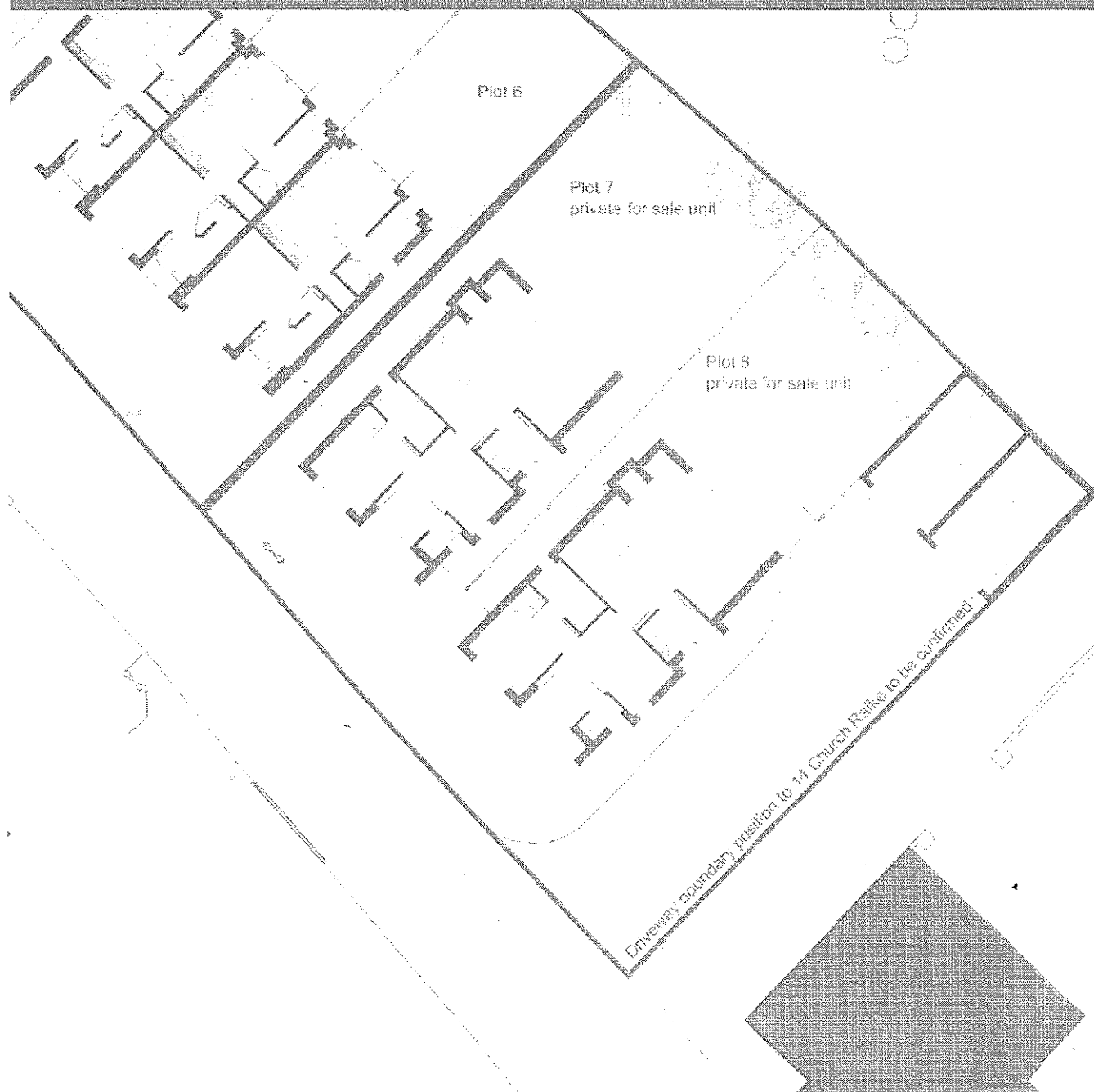
Date 28/01/2011

09 1003 P

Design and Access Statement

Proposed Residential Development
at Church Raikes, Chipping

09-1441





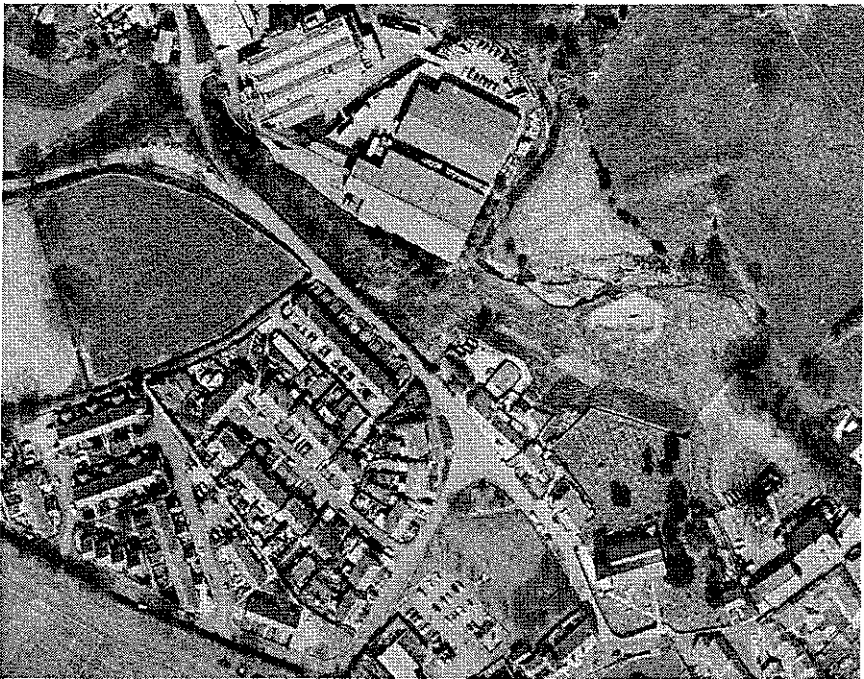
This application has been prepared by Croft
Goode Architects on behalf of Liverpool
Housing Trust

320111003P

Application

This statement accompanies the full planning application for the development of land for residential use at Church Raiké, Chipping. It should be read in conjunction with the following drawings:

09-1441-P01 Location Plan
09-1441-P02 Proposed Site Plans
09-1441-P03 Proposed Building Plans
09-1441-P04 Proposed Elevations
09-1441-P05 Proposed Visuals



1



2



3



4



5

320111003P

The site

The site occupies a small area of open green space on the north eastern side of Church Raike at the northern end of Chipping.

The site is currently vacant and bounded to the roadside by a high hederow. Sat atop a steep embankment, it overlooks rolling countryside to the north. At the foot of the embankment are a number of large industrial units, which are low enough for the surrounding countryside to be viewed beyond them.

Nearby housing is clad in a single material, which is either rough hewn sandstone or light pebble dash render. The former council

housing, which site elevated above and opposite the site, is finished in the latter in a buff or light brown colour. Slate tiles are the predominant roofing material, with some houses, notably those nearest the site, featuring red clay tiles. White uPVC window frames are found largely, though the neighbouring terrace following from no.14 Church Raike has timber stained window frames.

Existing housing is grouped in a mix of terraced and semi-detached arrangements.



6

- 1 Aerial view of the site.
- 2 View north along Church Raike
- 3 View north along Church Raike with the site on the right hand side.
- 4 14 Church Raike and the south eastern boundary of the site.
- 5 View south along Church Raike with the site on the left hand side.
- 6 View north across the site with the hedgerow visible to the left.

Layout and amount

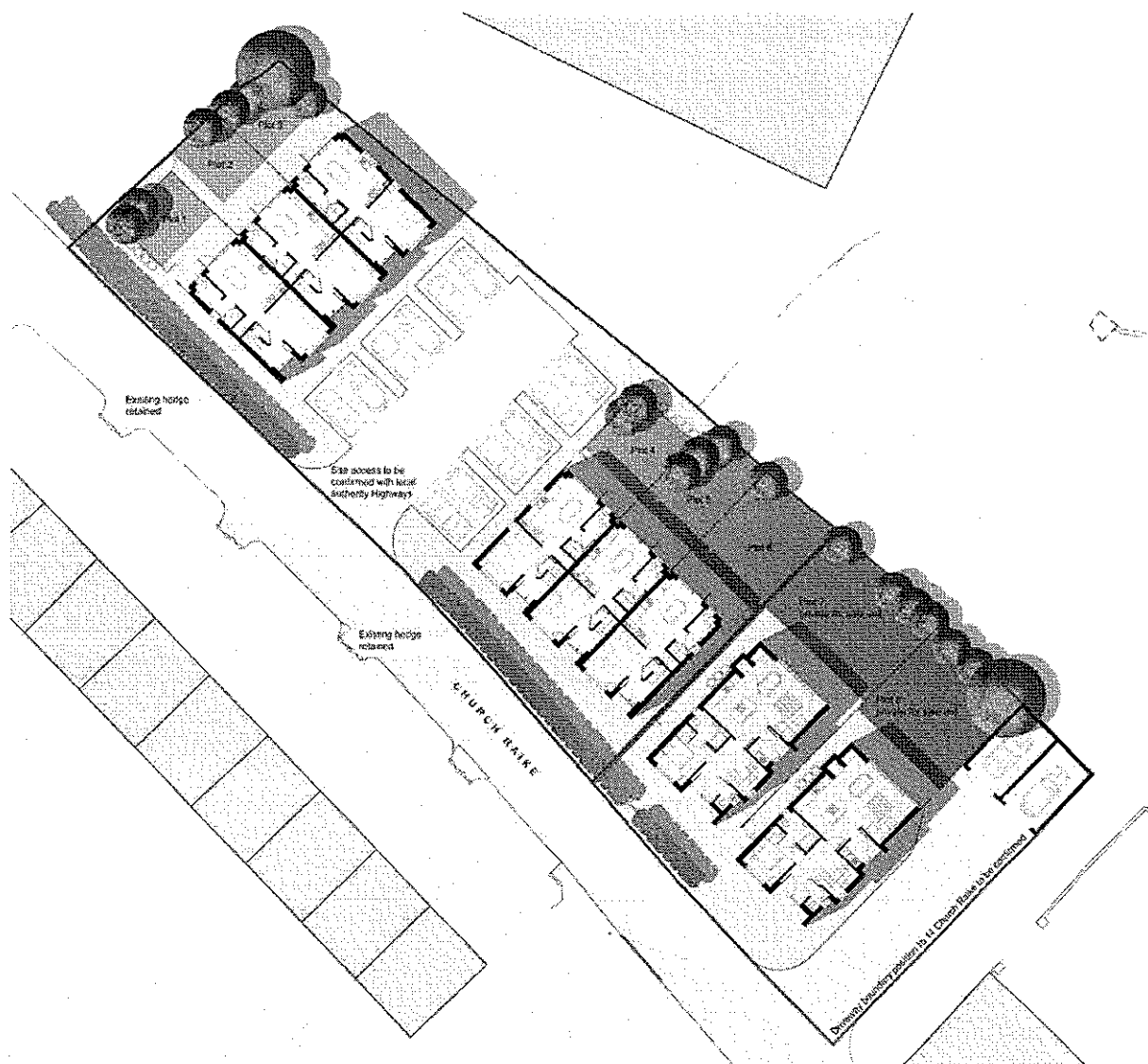
The development proposes a total of eight houses, comprising six for social rent, arranged in two terraces of three each, and two detached large four bedroom houses for private sale.

The two terraces have been arranged with one facing onto Church Raiké and the other perpendicular to it. This is to enable the parking to be placed away from the road in a shared parking court between the two terraces. The houses have been planned in such a way that seeks to take best advantage of the countryside views to the rear of the

development. To this end the main living spaces in the house open onto the large terraced areas at the rear of the house.

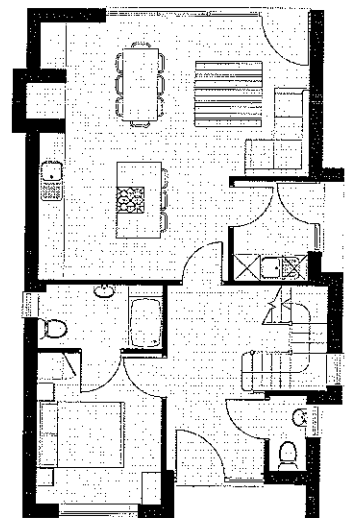
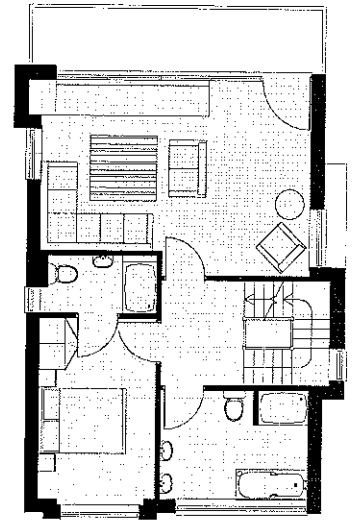
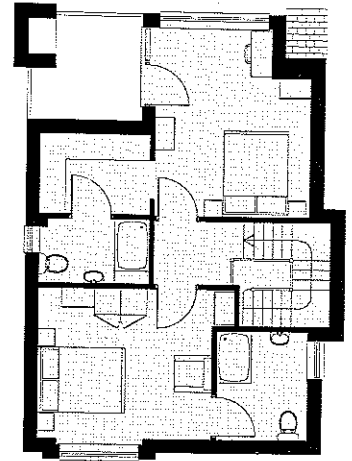
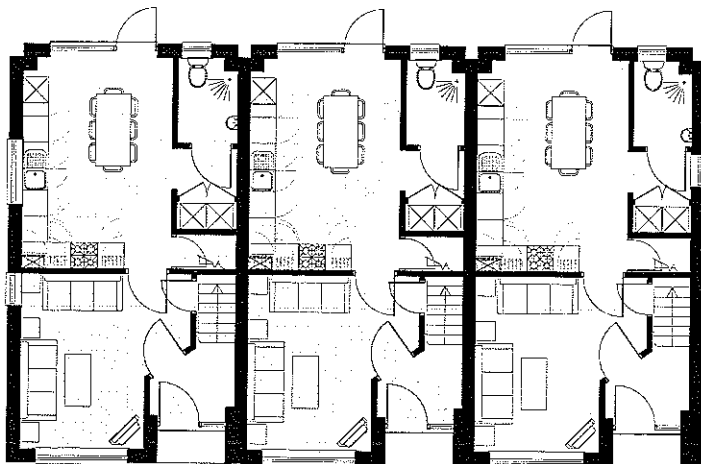
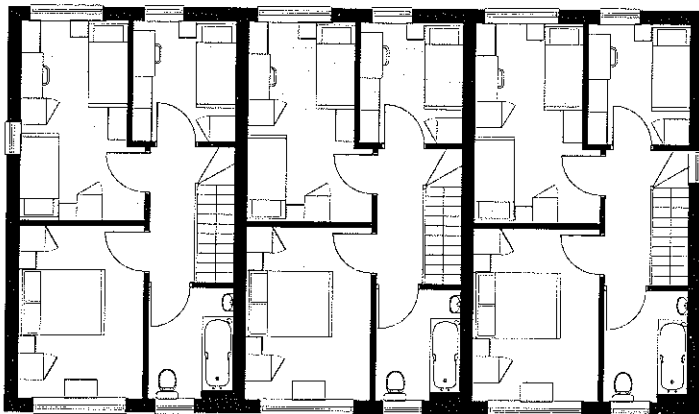
The existing hedgerow will be retained, with a proposed pathway running behind from where the fronts of the houses will be accessed.

The three bedroom/five person social rent houses each have a total internal area of 86.2m²/928ft². The detached for sale houses each have a total internal area 183.8m²/1,979ft².



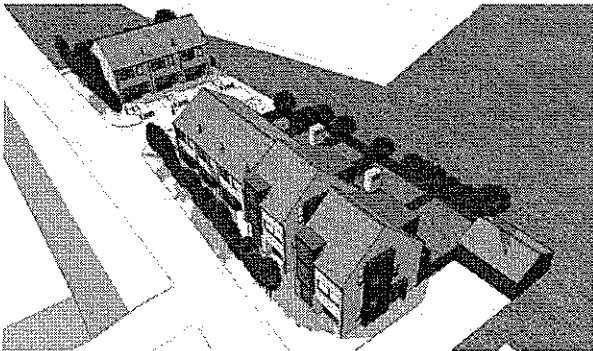
320111003 P

- 1 Proposed site plan.
2 Proposed building plans.





1



2



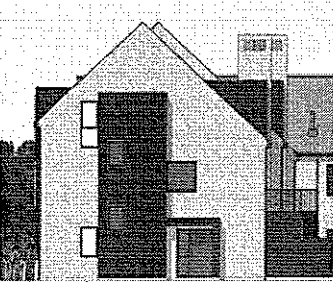
3



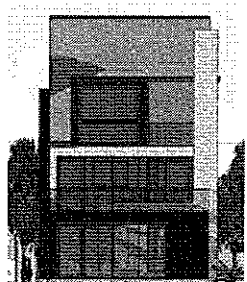
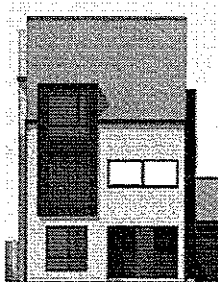
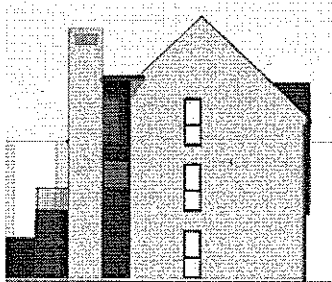
4



5



6



7

Scale

The proposed socially rented units are two storey and of a similar scale to nearby terraced housing. The proposed roof pitch of the smaller units will also seek to match existing.

The detached for sale units are much larger, being three storey in height and with a footprint around 150% of the size of the individual terraced units.

Appearance and materials

There is an overall feel about the design that is rooted in the language of the surrounding housing. A prominent characteristic of the local area is the use of the stone as a facing material. This will likewise characterise the proposed development.

As previously mentioned the design looks to take best advantage of the views north over the countryside, thus generously proportioned windows and large expanses of glazing face in this direction.

The roofing material will be either a slate to match that of existing housing or a similar approved material.

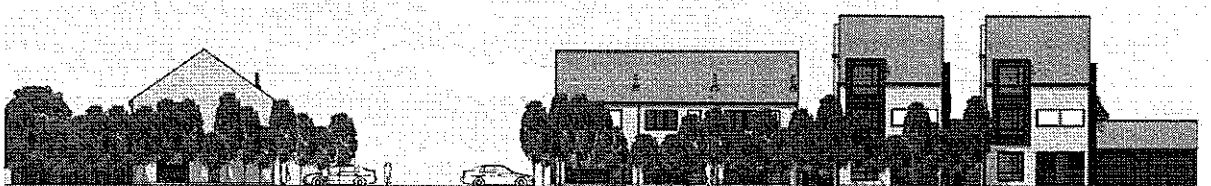
Boundary treatments

There are no front boundary walls as the houses front straight on to the proposed pavement. Rear boundaries will be 1.8m high timber fencing with timber entrance gates.

Access

The front entrances will be accessed straight off the proposed pavement. Proposed adoptable paving will be a minimum 2m in width. Other pathways around the buildings will be a minimum 1m wide with level access at all entrance points.

The socially rented houses will have two car parking spaces each in a parking court accessed from Church Raikē. The for sale houses will have a single space each in a garage adjacent to 14 Church Raikē.



7



8

- 1 Elevated view of the rear of the development.
- 2 to 5 Views around the site.
- 6 Detached house elevations.
- 7 Front elevation of development.
- 8 Rear elevation of development.

Consultation

A local housing needs survey was carried out on 1st December 2010 by representatives from Ribbles Valley Housing and Croft Goode Architects. The purpose of this consultation event was to assess the need for housing in the local area. It was discussed with the local authority that should this need be proven then, together with the fulfilments of other development control requirements, an application would be viewed favourably.

Draft versions of the application drawings were displayed to give an idea of the nature of the proposed development. Attendees were asked to feed back on the proposals as they stood. Over three quarters of attendees felt the site was suitable for development, with the remainder expressing concerns about its distance from the village.

Among a number of positive observations were how the development opened up the pleasing views beyond; the well considered internal layouts of the houses; how the development improved the outlook for existing housing and how it might help sustain local infrastructure, schools and businesses. There were also concerns raised regarding the effect of the development on the village, such as the increase in traffic and the location of the scheme so close to an area of outstanding natural beauty.

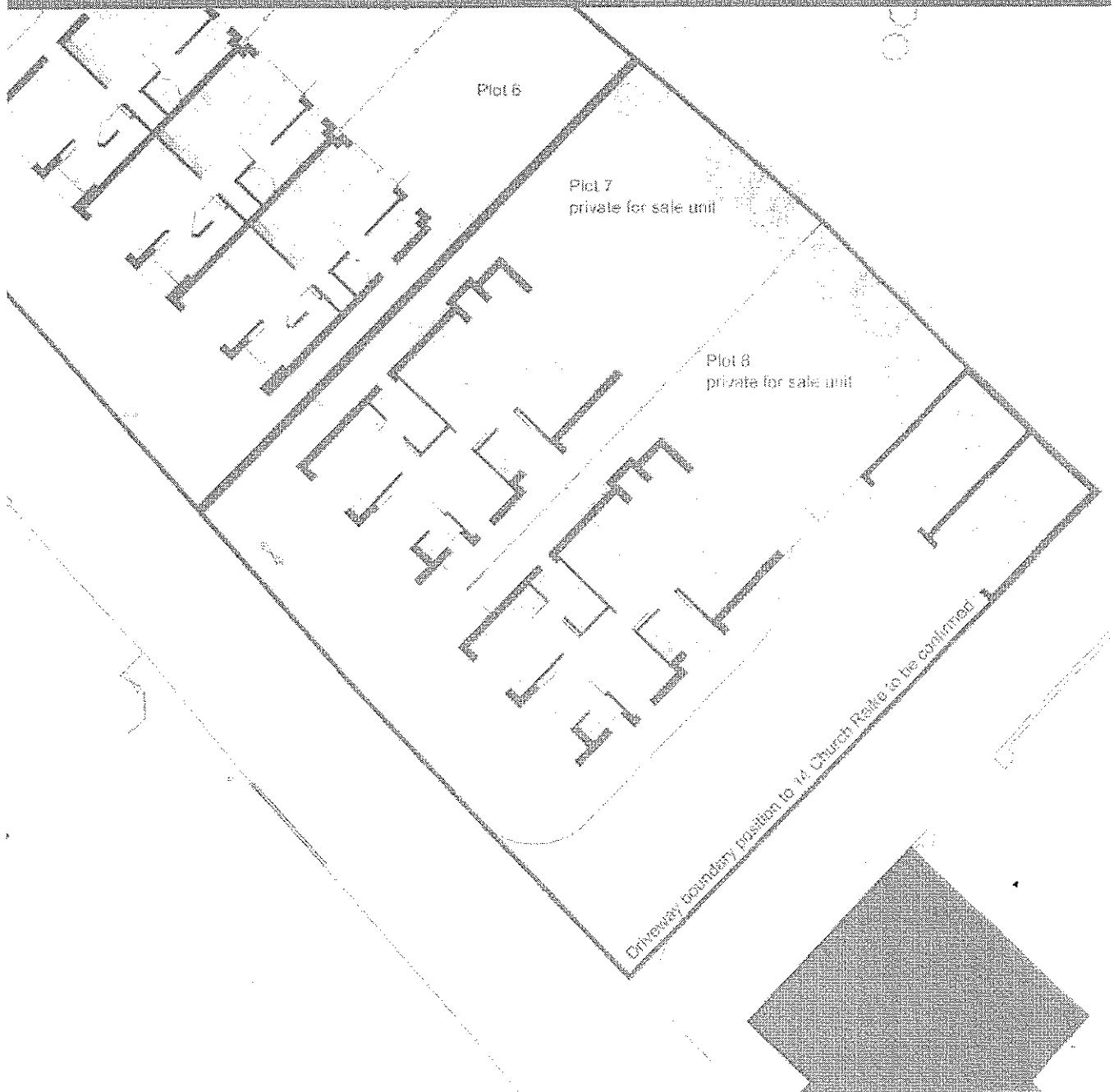
In addition to the feedback from the consultation, a survey carried out in March 2006 identified a need for 49 units of accommodation to be delivered before the same date in 2011. This need has so far been unmet.

320111003P

Heritage Statement

Proposed Residential Development
at Church Raile, Chipping

09-1441





This application has been prepared by Croft
Goode Architects on behalf of Liverpool
Housing Trust

320111003 P

Application

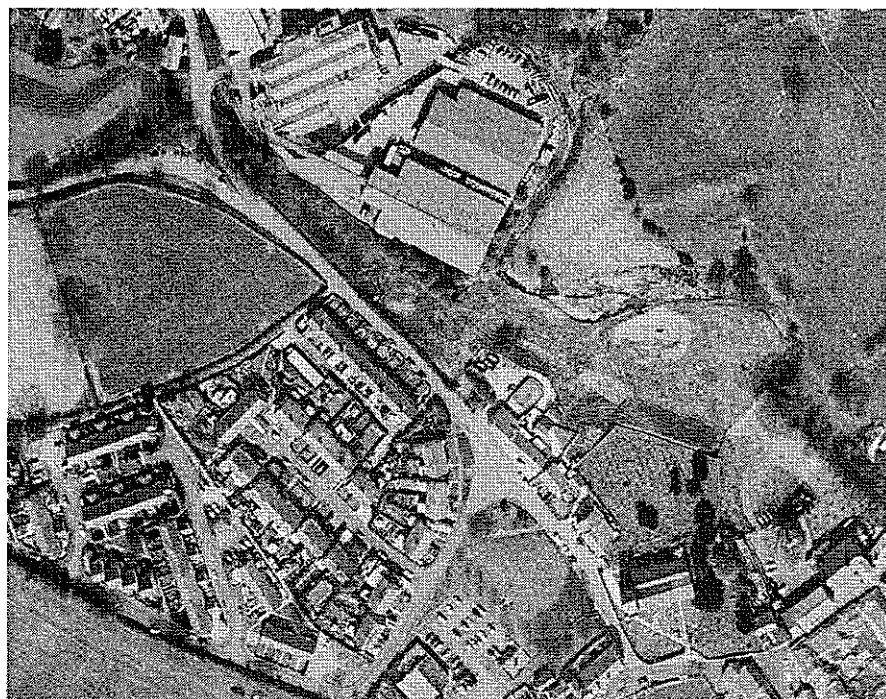
This statement accompanies the full planning application for the proposed residential development at Church Raike, Chipping for Liverpool Housing Trust. It should be read in conjunction with the following drawings:

09-1441-P01 Location Plan
09-1441-P02 Proposed Site Plan
09-1441-P03 Proposed Building Plans
09-1441-P04 Proposed Elevations
09-1441-P05 Proposed Visuals

The site

The site is a couple of hundred yards of the Chipping Conservation Area, which encompasses much of the centre of Chipping. The edge of the conservation may be extended to incorporate Club Lane and a section of Church Raiké including the green. Chipping boasts 41 listed buildings, 24 of which are within the Chipping Conservation Area.

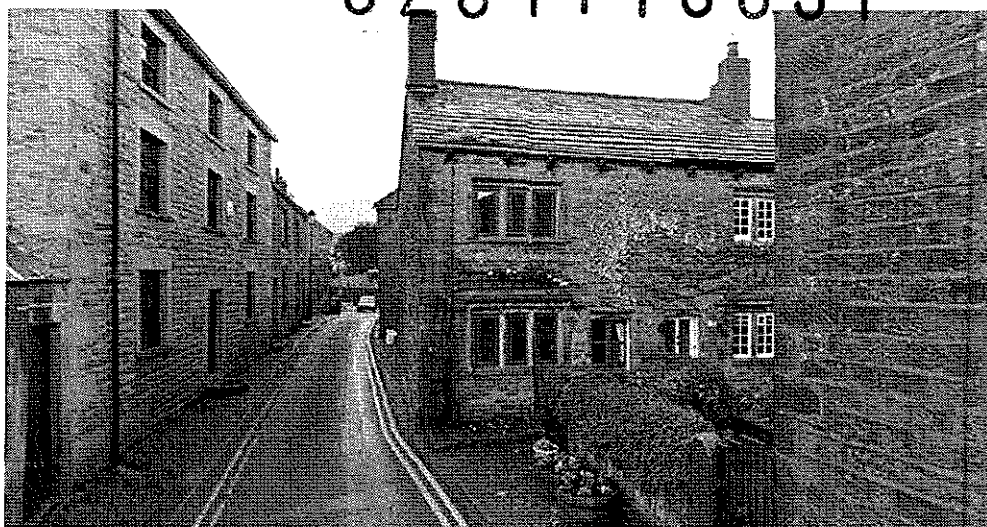
The report highlights a number of issues brought about through recent development in the village. These include insensitive refurbishment works to existing stone buildings and the way in which a number of significant local buildings had been allowed to fall into a state of disrepair. Smaller, seemingly unimportant, interventions had also had a detrimental effect on the character of the village. Among these were the poor selection of paint colours and even the impact of mandatory works to the public realm such as road markings. Clearly what can be determined from this is the consistency of the character of the local area and the importance of retaining it.



1 Aerial view of the site.
2 to 4 Listed buildings within the
Chipping Conservation Area

1

320111003P



2



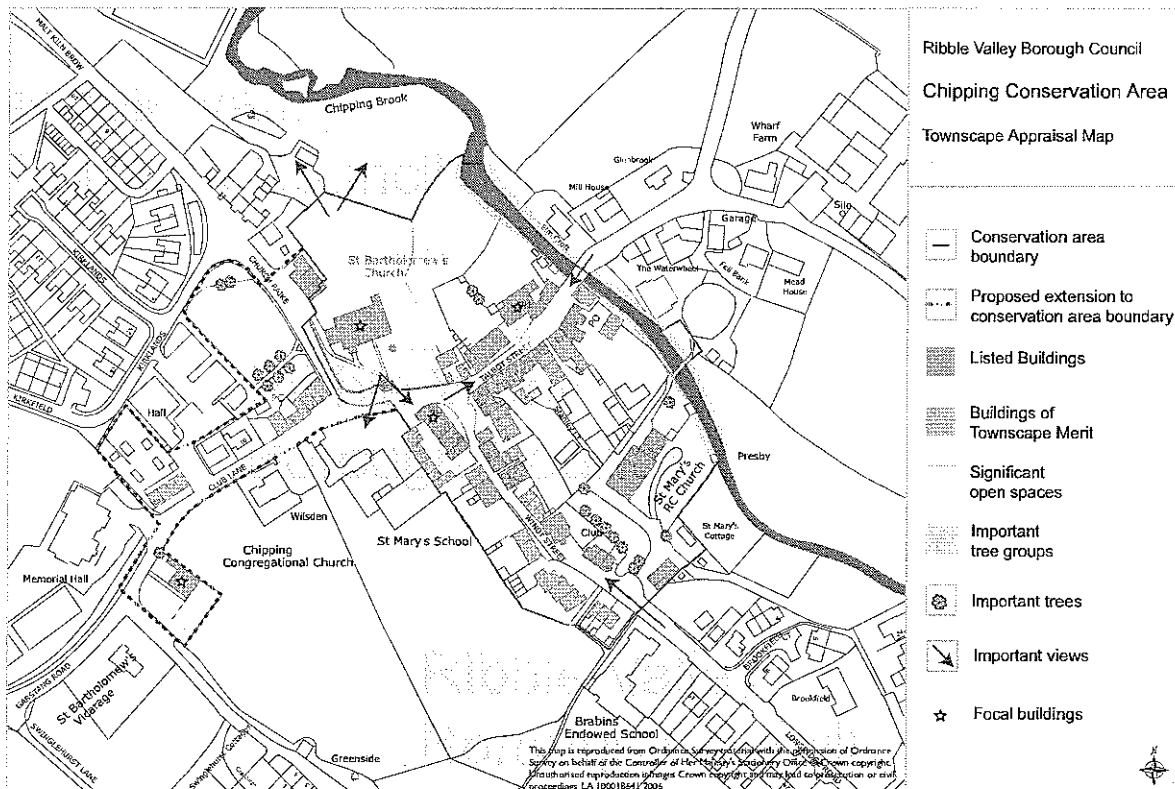
3



4

In a recent appraisal, Ribble Valley Borough Council sought to identify the various characteristics that justified the designation of the conservation area status. The report looked at the use of local material on both the buildings and streetscape and how well these materials had been preserved in their original condition in many instances for more than 150 years. The layout and street pattern were also identified among the village's key historic features. The report highlighted the significance of the views from Chipping towards Pendle Hill and the fells beyond. These views are especially clear from within the site itself and can be enjoyed by existing former council housing at their elevated position along Church Raike. Chipping itself is within the Forest of Bowland Area of Outstanding Natural Beauty.

PPS15 explains "It is the quality and interest of areas, rather than that of individual buildings, which should be the prime consideration in identifying conservation areas." Chipping has a strong consistent architectural language, which is discernible throughout the village. The predominant material palette of natural stone and slate roof tiles reinforces the village's identity and character.



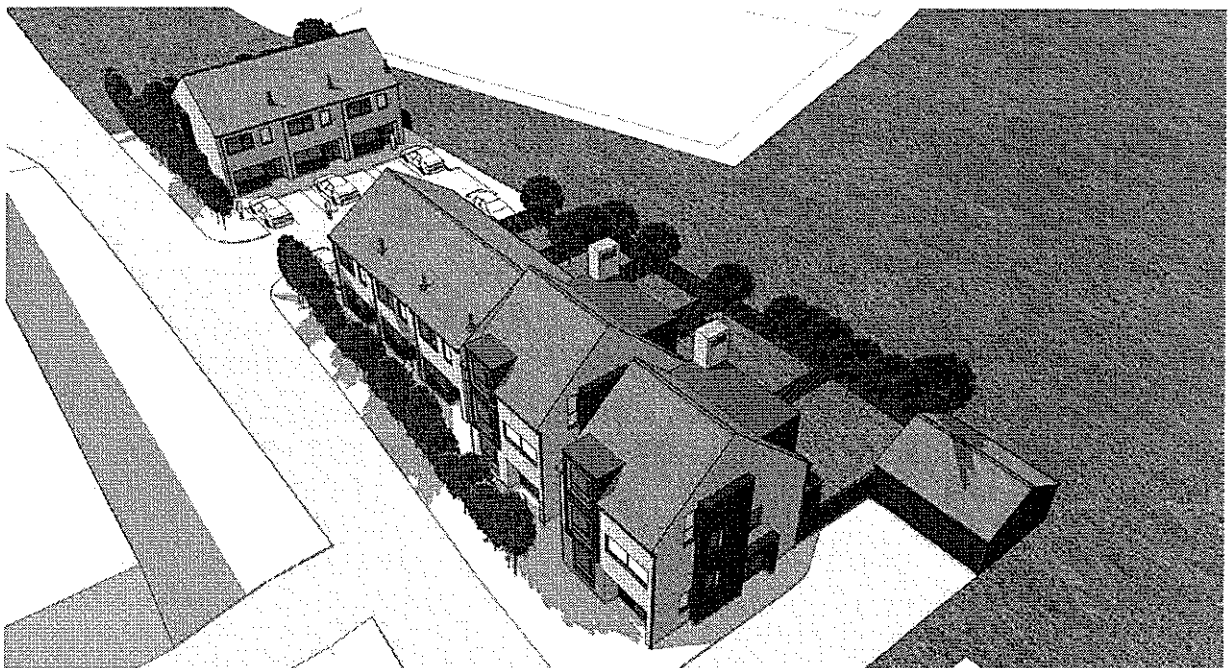
320111003P

The development

The development is for a total of eight houses, comprising six for social rent and two large detached houses for private sale. The smaller three bedroom houses are two storeys in height, have two car parking spaces each and are arranged in two terraces of three in each. The detached four bedroom houses are three storeys high including an attic storey and have a single parking space in each in a separate garage building to the rear of the site.

From the outset the design intent, after thorough analysis of the local character, context and place, has been to create a scheme that enhanced and preserved the conservation area. To this end the selection of materials has been made with direct reference to those found locally, notably the local stone cladding and slate roof tiles.

The massing and roofscape will be similar to that found locally. Pitched roofs will have a similar pitch to that employed locally.



The development's scale and height will be similar to that prevalent in the village, which is housing arranged in pairs and small terraces no more than three storeys in height. By introducing rooms into the attic space of the larger houses, their three storey height will appear greatly reduced. The apparent scale of the scheme will also appear smaller given the elevated position of the terraces on the opposite side of Church Raik.

Further materials have been included, which, like the stone, will be a natural material, which will likewise age and weather naturally. A dark stained or burnt timber cladding will be used to highlight and add a more contemporary element to the development. In its selection of materials, its scale and layout, the design of the scheme is rooted in a desire to find the balance between retaining the value and quality of the conservation area and a contemporary legibility that locates it firmly within the present.



1



2

1 Aerial view of rear of development
 2 Looking north along Church Raik.
 3 New houses on Windy Street.

320111003P

Justification of the proposed works

Ribble Valley Council recently carried out a consultation event with local residents. The aim of this exercise was primarily to determine the requirement for housing in the area. A further aim of the event was to gauge an idea of the value of the Chipping Conservation Area and its significance to local people and visitors to Chipping, who come because of its proximity to an Area of Outstanding Natural Beauty as well as the inherent beauty and character of the village itself.

The event identified a need for housing, with the majority of attendees approving of the amount of accommodation and the character of the scheme.

New housing on Windy Street has been well received in terms of its design. In its selection of materials, scale and typology, this small scheme blends well with the streetscape and successfully preserved the character of the conservation area, especially given its proximity to a large number of Chipping's listed buildings. The proposed development looks to employ a similar approach, identifying the strengths of this recent development in enhancing the character of the conservation area.



References

The Conservation Studio. *Ribble Valley Borough Council – Chipping Conservation Area Appraisal*. December 2006.

320111003 P

DATED

2011

RIBBLE VALLEY BOROUGH COUNCIL

– and –

LIVERPOOL HOUSING TRUST LIMITED

A G R E E M E N T

Under Section 106 Town and Country Planning Act 1990
relating to property known as former garage site on Land at Church Raikes, Chipping

Legal Services Manager, Diane Rice
Ribble Valley Borough Council
CLITHEROE

320111003P

THIS AGREEMENT is made as a Deed the _____ day
of _____ Two thousand and eleven **BETWEEN RIBBLE VALLEY**
BOROUGH COUNCIL of Council Offices Church Walk Clitheroe Lancashire BB7
2RA (hereinafter called "the Council") of the first part and **LIVERPOOL HOUSING**
TRUST LIMITED (Registered Charity No.LH0250) of 12 Hanover St Liverpool L1
4AA (hereinafter called "the Association") of the other part

WHEREAS:

- 1 The Council is the Local Planning Authority for the purposes of the Town and Country Planning Act 1990 (as amended) for the area within which certain property known as Land at Henthorn Road, Clitheroe is situated and is shown edged red on the plan annexed to this Agreement
- 2 The Council is the Owner of the freehold interest in the Property which is registered at HM Land Registry under title number LAN13802
- 3 The Association has an interest in the Property by virtue of a conditional contract to purchase the Property and wishes to construct the Development upon the Property in accordance with the Planning Permission and the obligations contained herein
- 4 The Association submitted to the Council the Application together with the accompanying plans for the Development.
- 5 The Council is satisfied that the Development is such as may be approved by it under the said Act of 1990 (as amended) but subject to the Association entering into this Agreement with the Council under the provisions of Section 106 of the Act of 1990 (as amended) to secure the planning obligations contained herein

NOW THIS DEED WITNESSETH as follows:

DEFINITIONS

6 For the purposes of this Deed the following expressions shall have the following meanings:

“Act of 1990”: the Town and Country Planning Act 1990.

“Application”: the application for planning permission dated 4 November 2010 submitted to the Council (and subsequently amended on 13th June 2011) for the Development and allocated reference number 3/2010/0929/P

“Approved Persons”: as defined in clause 11 of this Agreement

“Implementation of Development”: the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for the purposes of this Deed and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and “Implement Development” shall be construed accordingly.

“Development”: the Development of the Site for planning permission for the demolition of existing garage buildings on the site and erection of 8 no houses (5 2bed/4person houses and 3 4bed/6person houses)

“Dwelling”: the 8 dwellings to be constructed pursuant to the Planning Permission.

“Occupation” and “Occupied”: occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations.

“Plan”: the plan attached to this Agreement

"Planning Permission": the planning permission subject to conditions to be granted by the Council pursuant to the Application in the form annexed hereto

"Property" the property known as land at Henthorn Road against which this Agreement may be enforced as shown edged red on the Plan

- 7 This Agreement is a Planning Obligation and is made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) and the covenants imposed upon the Association under this Agreement create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority against the Association.
- 8 This Agreement is conditional upon the grant of Planning Permission for Development of the Property under the Application and the Implementation of the Development in whole or in part save for the provisions of clauses 25 and 26 which shall come into effect immediately upon completion of the Agreement.
- 9 The Association hereby covenants with the Council that the Property shall be permanently subject to each and every one of the restrictions regulating the Development as are contained in this Agreement
- 10 This Agreement shall be registered as a Local Land Charge under the Local Land Charges Act 1975 upon the register maintained by the Council
- 11 The said restrictions referred to in the preceding clause are as follows:

Rental Dwellings

- 11.1 that the 8 Dwellings for rental to be built on the Property shall not be Occupied otherwise than for Occupation by tenants for Rental at Affordable rent
- 11.2 unless otherwise agreed in writing between the Council and the Association that on completion of the Dwellings that they shall be allocated to tenants by 100% nomination arrangements to

Approved Persons nominated by the Council in accordance with the Council's allocations policy

- 11.3 that rents to be charged on the 8 Dwellings will be in accordance with the Governments Guidance on Affordable Rents, as issued by the Homes and Communities Agency or such other successor to the Homes and Communities Agency, which governs the rents to be charged by all social landlords or Registered Housing Providers, whether they be Registered Social Landlords or Local Authorities.

12 Approved persons

- 12.1 Approved persons for the purposes of this urban scheme and as referred to in clause 11.2 above, and in the order of priority shall not be otherwise than as defined below:

12.1.1 Households on the Council's waiting list who can demonstrate a housing need requirement for the type of Dwelling who are either

12.1.1.1 living in the Borough of Ribble Valley or

12.1.1.2 working in the Borough of Ribble Valley or

12.1.1.3 who have lived in the Borough of Ribble Valley for any five of the last ten years having left to find suitable accommodation elsewhere and who also have close family living in the Borough of Ribble Valley

12.1.1.4 Persons moving to the Ribble Valley to offer support or receive support from a close family member who is living in the Ribble Valley.

- 13** The Council covenant to nominate Approved Persons for each Dwelling within two weeks of a request for a nomination by the Association.

14 Wheeled Bin Contribution

The Association covenants with the Council to pay the Wheeled Bin Contribution of £90 +VAT for each of the 8 Dwellings prior to first occupation of each Dwelling

The Council covenants to use the Wheeled Bin Contribution towards the administration and delivery costs of providing wheeled bins at the proposed Development

15 Notices

15.1 Any notice or other communication given or made in accordance with this Agreement shall be in writing and shall be deemed to have been properly served if sent by recorded delivery or registered post to:

15.1.1 the Strategic Housing Officer of the Council at the address of the Council shown on the first page of this Agreement or such other address that the Council shall notify to the Association as being the address for service of the Council for the purposes of this Agreement ; and

14.1.2 the Association at the address set out above or such other address that the Association shall notify the Council of

16 Records

The Association shall maintain records enabling them to supply to the Council (within two weeks of the Council's written request to do so) such information as the Council may reasonably require in order to determine whether the Association's covenants are being observed

17 The expressions "the Council" and "the Association" shall include their respective successors in title and assigns **PROVIDED THAT** no such person (including the parties hereto) shall be liable for any breaches occurring after they have disposed of their interest in the Property or the relevant part or

parts thereof

- 18 The Council will within fourteen days of this Agreement grant the Planning Permission for the Development .
- 19 This Agreement shall not be binding on the Association with regards to sales under right to buy and right to acquire legislation.
- 20 If the Planning Permission shall expire before the **Implementation** of Development or shall at any time be quashed, revoked or otherwise withdrawn or without the consent of the Developer it is modified this Agreement shall terminate and cease to have effect and the Council shall immediately remove any entry relating to this Agreement from the Register of Local Land Charges.
- 21 No provisions of this Agreement shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.
- 22 Where the agreement, approval, consent or expression of satisfaction is required by the Association from the Council under the terms of this Agreement such agreement, approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed;
- 23 Nothing in this Agreement shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Agreement.
- 24 Insofar as any clause or clauses of this Agreement are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Agreement.
- 25 This Agreement shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of the Association) it is modified

by any statutory procedure or expires prior to the implementation of the development.

- 26 This Agreement shall not be enforceable against owner-occupiers or tenants of dwellings constructed pursuant to the Planning Permission nor against those deriving title from them.

27 Dispute Provisions

27.1 In the event of any dispute or difference arising between any of the parties to this Agreement in respect of any matter contained in this Agreement such dispute or difference shall be referred to an independent and suitable person holding appropriate professional qualifications to be appointed (in the absence of an agreement) by or on behalf of the president for the time being of the professional body chiefly relevant in England with such matters as may be in dispute and such person shall act as an expert whose decision shall be final and binding on the parties in the absence of manifest error and any costs shall be payable by the parties to the dispute in such proportion as the expert shall determine and failing such determination shall be borne by the parties in equal shares

27.2 In the absence of agreement as to the appointment or suitability of the person to be appointed pursuant to Clause 26.1 or as to the appropriateness of the professional body then such question may be referred by either part to the president for the time being of the Law Society for him to appoint a solicitor to determine the dispute such solicitor acting as an expert and his decision shall be final and binding on all parties in the absence of manifest error and his costs shall be payable by the parties to the dispute in such proportion as he shall determine and failing such determination shall be borne by the parties in equal shares.

- 27.3 Any expert howsoever appointed shall be subject to the express requirement that a decision was reached and communicated to the relevant parties within the minimum practicable timescale allowing for the nature and complexity of the dispute and in any event not more than twenty-eight working days after the conclusion of any hearing that takes place or twenty-eight working days after he has received any file or written representation.
- 27.4 The expert shall be required to give notice to each of the said parties requiring them to submit to him within ten working days of notification of his appointment written submissions and supporting material and the other party will be entitled to make a counter written submission within a further ten working days.
- 28 This Agreement is governed by and interpreted in accordance with the law of England and the parties submit to the non-exclusive jurisdiction of the courts of England.

320111003P

IN WITNESS whereof the Council and the Association have hereunto caused their respective Common Seals to be hereunto affixed and executed as a Deed the day and year first before written

THE COMMON SEAL of RIBBLE VALLEY)
BOROUGH COUNCIL was hereunto affixed to)
this Deed in the presence of:)

Mayor

Chief Executive

THE COMMON SEAL of LIVERPOOL HOUSING)
TRUST LIMITED was hereunto affixed to)
this Deed in the presence of:)

Director

Company Secretary