



RIBBLE VALLEY
BOROUGH COUNCIL

For office use only

Application No: **320120014P**

Date received

Fee paid £

Receipt No:

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

Application for Outline Planning Permission With Some Matters Reserved. Town and Country Planning Act 1990

Publication of planning applications on council websites

Please note that with the exception of applicant contact details and Certificates of Ownership, the information provided on this application form and in supporting documents may be published on the council's website.

If you have provided any other information as part of your application which falls within the definition of personal data under the Data Protection Act which you do not wish to be published on the council's website, please contact the council's planning department.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address

Title:	MRS	First name:	MARY
Last name:	RUSHTON		
Company (optional):			
Unit:		House number:	
		House suffix:	
House name:			
Address 1:	c/o AGENTS		
Address 2:			
Address 3:			
Town:			
County:			
Country:			
Postcode:			

2. Agent Name and Address

Title:	MR.	First name:	JOHN
Last name:	PALLISTER		
Company (optional):	JOHN PALLISTER LIMITED		
Unit:		House number:	
		House suffix:	
House name:	THE COACH HOUSE		
Address 1:	DUCK STREET		
Address 2:			
Address 3:			
Town:	CLITHEROE		
County:	LANCASHIRE		
Country:	U.K.		
Postcode:	BB7 1LP		

3. Description of the Proposal

Please indicate those reserved matters for which approval is being sought (tick all that apply):

☐ None ☒ Access ☒ Appearance ☐ Landscaping ☐ Layout ☐ Scale

Please describe the proposed works:

CONSTRUCTION OF 30 NO. DWELLINGS UPON THIS SITE OFF GREENFIELD AVENUE, LOW MOOR, NEAR CLITHEROE. A SUGGESTED BREAKDOWN IS
16 No. HOUSES WITH 3-4 BEDROOMS
8 No. LOW COST HOUSES
6 No. BUNGALOWS WITH 2 bedrooms

Has building or works already been carried out? ☐ Yes ☒ No

Have the works been completed? ☐ Yes ☒ No

If Yes, please state the date when building or works were started (DD/MM/YYYY):

(date must be pre-application submission)

If Yes, please state the date when the works were completed (DD/MM/YYYY):

(date must be pre-application submission)

4. Site Address Details

Please provide the full postal address of the application site

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (optional):

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

Easting: Northing:

Description:

AGRICULTURAL LAND

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)

Please tick if the full contact details are not known, and then complete as much as possible: ☐

Officer name:

MR. C. SHARPE

Reference:

ENO 2010/00540

Date (DD/MM/YYYY):

(must be pre-application submission)

05/04/2011

Details of pre-application advice received?

ENCLOSED

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 ☐ Unknown

Is a new or altered pedestrian access proposed to or from the public highway? ☒ Yes ☐ No ☐ Unknown

Are there any new public roads to be provided within the site? ☒ Yes ☐ No ☐ Unknown

Are there any new public rights of way to be provided within or adjacent to the site? ☒ Yes ☐ No ☐ Unknown

Do the proposals require any diversions /extinguishments and/or creation of rights of way? ☐ Yes ☒ No ☐ Unknown

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)

SEE SITE LAYOUT 370/1/2 ROADS AND PATHS TO BE ADOPTED ON COMPLETION

7. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? ☒ Yes ☐ No ☐ Unknown

If Yes, please provide details:

WASTE BIN STORAGE (3 bins) to REAR OF EACH PROPERTY. SEE DRAWING NO. 370/1/3
370/1/4
370/1/5

Have arrangements been made for the separate storage and collection of recyclable waste? ☐ Yes ☒ No ☐ Unknown

If Yes, please provide details:

8. Neighbour and Community Consultation

Have you consulted your neighbours or the local community about the proposal? ☐ Yes ☒ No

If Yes, please provide details:

9. Council Employee / Member

Is the applicant or agent related to any member of staff or elected member of the council? ☐ Yes ☒ No

If Yes, please provide details:

10. Materials

If applicable, please state what materials are to be used externally. Include type, colour and name for each material:

	Existing (where applicable)	Proposed	Not applicable	Don't Know	Drawing references if applicable
Walls		BRADSTONE	☐	☐	370/1/1 370/1/2 370/1/3 370/1/4 370/1/5
Roof		MARLEY MODERN	☐	☐	"
Windows		UPVC	☐	☐	"
Doors		UPVC	☐	☐	"
Boundary treatments (e.g. fences, walls)		HEDGES AND WOVEN FENCES AND PANELS	☐	☐	"
Vehicle access and hard-standing		TARMAC/PAVIORS	☐	☐	"
Lighting		STREET LIGHTING	☐	☐	
Others (please specify)			☐	☐	

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:

DRAWINGS LOCATION PLAN 370/1/1-5
SITE LAYOUT PLAN
TYPE OF DWELLING PLAN

11. Vehicle Parking

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

Type of Vehicle	Total Existing	Total proposed (including spaces retained)	Unknown total proposed (including spaces retained)	Difference in spaces
Cars	-	60 + 10	☐	70
Light goods vehicles/ public carrier vehicles		N/A	☐	
Motorcycles		N/A	☐	
Disability spaces		N/A	☐	
Cycle spaces		N/A	☐	
Other (e.g. Bus)		N/A	☐	
Other (e.g. Bus)		N/A	☐	

12. Foul Sewage

Please state how foul sewage is to be disposed of:

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

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

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

Ribble Valley via United Utilities System

13. 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 a 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 ☒ Unknown

How will surface water be disposed of?

- ☐ Sustainable drainage system ☐ Existing watercourse
☐ Soakaway ☐ Pond/lake
☒ Main sewer ☐ Unknown

14. Biodiversity and Geological Conservation

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

15. Existing Use

Please describe the current use of the site:

Is the site currently vacant? ☒ Yes ☐ No

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

AGRICULTURAL LICENCE

When did this use end (if known)?
(DD/MM/YYYY)
(date where known may be approximate)

N/A

Does the proposal involve any of the following:

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

If you have answered Yes to any of the above, you will need to submit an appropriate contamination assessment

16. 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 will need to provide a full Tree Survey, with accompanying plan before your application can be determined. 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'.

17. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste? ☐ Yes ☒ No

If Yes, please describe the nature, volume and means of disposal of trade effluents or waste

8. Residential Units (Including Conversion)

Does your proposal include the gain, loss or change of use of residential units?
 If Yes, please complete details of the changes in the tables below:

☒ Yes☐ No**Proposed Housing**

Market Housing	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐		6	8	8		22
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a + b + c + d + e + f + g) =							

Social Rented	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐			8			8
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a + b + c + d + e + f + g) =							

Intermediate	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a + b + c + d + e + f + g) =							

Key worker	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a + b + c + d + e + f + g) =							

Total proposed residential units (A + B + C + D) =

Existing Housing

Market Housing	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a + b + c + d + e + f + g) =							

Social Rented	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a + b + c + d + e + f + g) =							

Intermediate	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a + b + c + d + e + f + g) =							

Key worker	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a + b + c + d + e + f + g) =							

Total existing residential units (E + F + G + H) =

TOTAL NET GAIN or LOSS of RESIDENTIAL UNITS (Proposed Housing Grand Total - Existing Housing Grand Total):

30

19. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace? ☐ Yes ☐ No ☐ Unknown

If you have answered Yes to the question above please add details in the following table:

Use class/type of use	Not applicable	Existing gross internal floorspace (square metres)	Gross internal floorspace to be lost by change of use or demolition (square metres)	Unknown	Total gross internal floorspace proposed (including change of use)(square metres)	Unknown	Net additional gross internal floorspace following development (square metres)
A1	Shops	☐		☐		☐	
	Net tradable area:	☐		☐		☐	
A2	Financial and professional services	☐		☐		☐	
A3	Restaurants and cafes	☐		☐		☐	
A4	Drinking establishments	☐		☐		☐	
A5	Hot food takeaways	☐		☐		☐	
B1 (a)	Office (other than A2)	☐		☐		☐	
B1 (b)	Research and development	☐		☐		☐	
B1 (c)	Light industrial	☐		☐		☐	
B2	General industrial	☐		☐		☐	
B8	Storage or distribution	☐		☐		☐	
C1	Hotels and halls of residence	☐		☐		☐	
C2	Residential institutions	☐		☐		☐	
D1	Non-residential institutions	☐		☐		☐	
D2	Assembly and leisure	☐		☐		☐	
OTHER	Please specify	☐		☐		☐	
		☐		☐		☐	
	Total						

In addition, for hotels, residential institutions and hostels, please additionally indicate the loss or gain of rooms

Use class	Type of use	Not applicable	Existing rooms to be lost by change of use or demolition	Unknown	Total rooms proposed (including changes of use)	Unknown	Net additional rooms
C1	Hotels	☐		☐		☐	
C2	Residential Institutions	☐		☐		☐	
Other	Hostels	☐		☐		☐	

20. Employment

Please complete the following information regarding employees:

	Full-time	Part-time	Total full-time equivalent	Not known
Existing employees				
Proposed employees				

21. Hours of Opening

Please state the hours of opening for each non-residential use proposed:

Use	Monday to Friday	Saturday	Sunday and Bank Holidays	Not known

22. Site Area

Please state the site area in hectares (ha)

1.4

23. 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:

Is the proposal a waste management development? ☐ Yes ☒ No ☐ Unknown

If the answer is Yes, please complete the following table:

	Not applicable	The total capacity of the void in cubic metres, including engineering surcharge and making no allowance for cover or restoration material (or tonnes if solid waste or litres if liquid waste)	Unknown	Maximum annual operational throughput in tonnes (or litres if liquid waste)	Unknown
Inert landfill	☐		☐		☐
Non-hazardous landfill	☐		☐		☐
Hazardous landfill	☐		☐		☐
Energy from waste incineration	☐		☐		☐
Other incineration	☐		☐		☐
Landfill gas generation plant	☐		☐		☐
Pyrolysis/gasification	☐		☐		☐
Metal recycling site	☐		☐		☐
Transfer stations	☐		☐		☐
Material recovery/recycling facilities (MRFs)	☐		☐		☐
Household civic amenity sites	☐		☐		☐
Open windrow composting	☐		☐		☐
In-vessel composting	☐		☐		☐
Anaerobic digestion	☐		☐		☐
Any combined mechanical, biological and/or thermal treatment (MBT)	☐		☐		☐
Sewage treatment works	☐		☐		☐
Other treatment	☐		☐		☐
Recycling facilities construction, demolition and excavation waste	☐		☐		☐
Storage of waste	☐		☐		☐
Other waste management	☐		☐		☐
Other developments	☐		☐		☐

Please provide the maximum annual operational throughput of the following waste streams:

Municipal	
Construction, demolition and excavation	
Commercial and industrial	
Hazardous	

If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make clear what information it requires on its website

24. Hazardous Substances

Does the proposal involve the use or storage of any of the following materials in the quantities stated below? ☐ Yes ☒ No ☐ Not applicable

If Yes, please provide the amount of each substance that is involved:

Acrylonitrile (tonnes)		Ethylene oxide (tonnes)		Phosgene (tonnes)	
Ammonia (tonnes)		Hydrogen cyanide (tonnes)		Sulphur dioxide (tonnes)	
Bromine (tonnes)		Liquid oxygen (tonnes)		Flour (tonnes)	
Chlorine (tonnes)		Liquid petroleum gas (tonnes)		Refined white sugar (tonnes)	

Other:

Other:

Amount (tonnes):

Amount (tonnes):

25. Certificates

One Certificate A, B, C, or D, must be completed, together with the Agricultural Holdings Certificate with this application form

CERTIFICATE OF OWNERSHIP - CERTIFICATE A

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

I certify/ The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant 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 the application relates

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

22.12.11

CERTIFICATE OF OWNERSHIP - CERTIFICATE B

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

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.

Name of Owner	Address	Date Notice Served

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

CERTIFICATE OF OWNERSHIP - CERTIFICATE C

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

I certify/ The applicant certifies that:

§ Neither Certificate A or B can be issued for this application

§ All reasonable steps have been taken to find out the names and addresses of the other owners (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of the land or building, or of a part of it but I have/ the applicant has been unable to do so

The steps taken were:

--

Name of Owner	Address	Date Notice Served

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

Certificates (continued)**CERTIFICATE OF OWNERSHIP - CERTIFICATE D**

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

I certify/ The applicant certifies that:

- § Certificate A cannot be issued for this application
- § All reasonable steps have been taken to find out the names and addresses of everyone else 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 to which this application relates, but I have/ the applicant has been unable to do so.

The steps taken were:

--

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

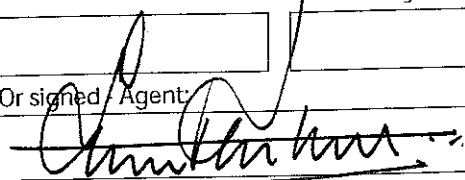
On the following date (which must not be earlier than 21 days before the date of the application):

--

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

		
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AGRICULTURAL HOLDINGS CERTIFICATE

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

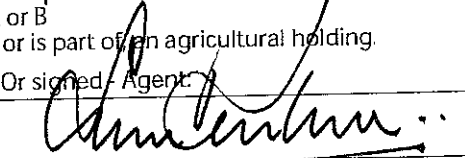
Agricultural Land Declaration - You Must Complete Either A or B

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

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

		22.12.11
--	--	----------

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:

Name of Tenant	Address	Date Notice Served

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

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26. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

- | | |
|--|---|
| A completed and dated application form with 3 copies: ☒ | The correct fee: ☒ |
| 3 copies of the plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North: ☒ | 3 copies of a design and access statement: ☒ |
| 3 copies of other plans and drawings or information necessary to describe the subject of the application: ☒ | 3 copies of the completed, dated Article 7 Certificate (Agricultural Holdings): ☒ |
| | 3 copies of the completed, dated Ownership Certificate (A, B, C, or D - as applicable): ☒ |

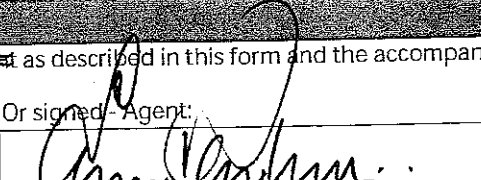
27. Declaration

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

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

		22.12.11	(date cannot be pre-application)
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28. Applicant Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

29. Agent Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

info@pallisters.co.uk

30. 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)

☒ Agent

☐ Applicant

☐ Other (if different from the agent/applicant's details)

If Other has been selected, please provide:

Contact name:

Telephone number:

Email address:

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014
3201202 ~~2006~~ P

Enter a postcode or place name:

Other topics for this area...

Risk of Flooding from Rivers and Sea

BB7 2LU



Risk of Flooding from Rivers and Sea

Map legend

BB7 2LU at scale 1:20 000

[Text only version](#)

Click on the map to see what is the Risk of Flooding at a particular location.

☒ Flood Maps

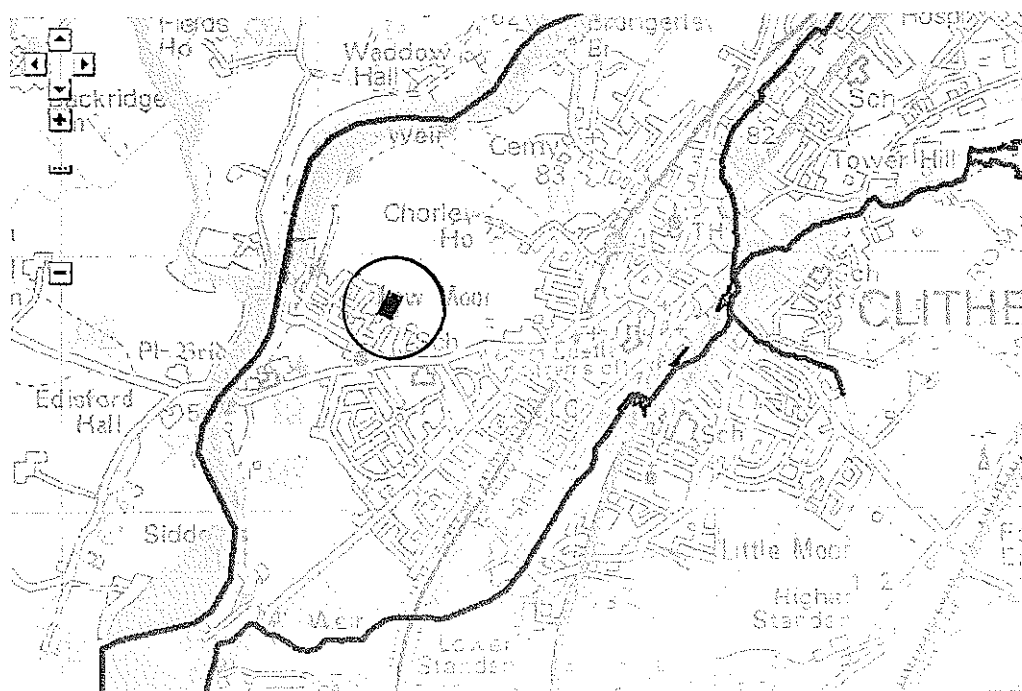
Flooding from rivers or sea without defences

Extent of extreme flood

Flood defences

Areas benefiting from flood defences

Main rivers



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Flood Map – Information Warnings

Manchester Ship Canal

Flood Mapping of the Manchester Ship Canal in Trafford, Salford and Warrington may be subject to revision as a result of representations. For further information please contact the Environment Agency on 03708 506 506.

Users of the Flood Zone Map should be aware that we have received a Judicial review challenge to the mapping of the Manchester Ship Canal at Trafford, Salford and Warrington on the ground that the preparation of the map is flawed in respect of our consideration of the role of the sluice gates in preventing flooding.

We are defending the challenge and believe and are advised that it is ill-founded. Nevertheless, pending determination of the challenge users of the map need to consider whether the existence of the Challenge, and the basis of it, affects the weight they judge may be given to the zoning of the Manchester Ship Canal within the Flood Map

More about flooding:

[Floods](#)

[Understanding the flood map](#)

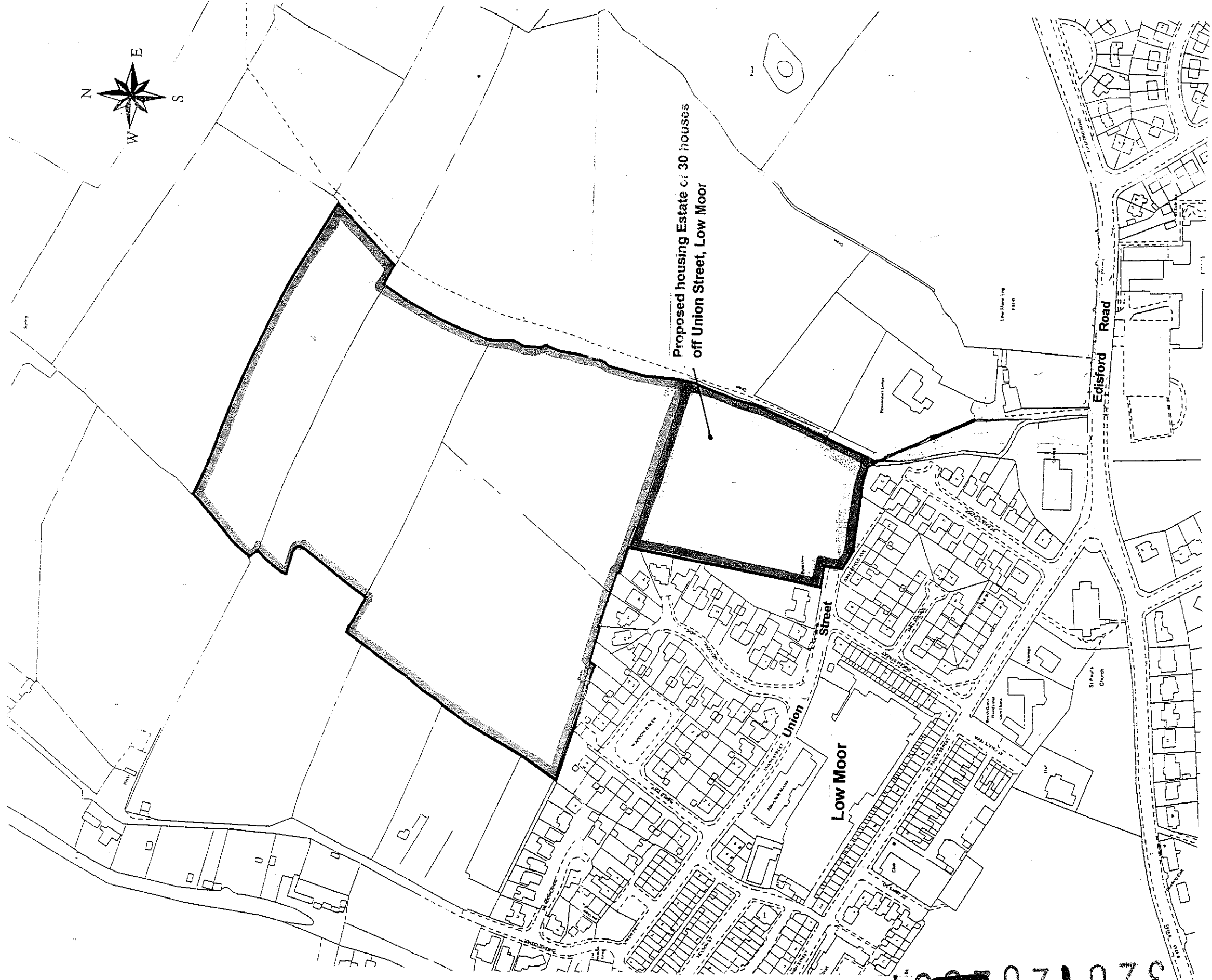
A more detailed explanation to help you understand the flood map shown above

[Current flood warnings](#)

We provide flood warnings online 24 hours a day Find out the current flood warning status in your local area

[Flood map - your questions answered](#)

Answers to commonly asked questions about the flood map



Proposed housing Estate of 30 houses
off Union Street, Low Moor

Location Plan Scale 1:2500

Jeff Marshall & Associates.
Architectural Designers & Surveyors.
Tel. 01200 440157

Project. Proposed housing Estate
of 30 houses off Union Street,
Low Moor
Title. Existing Plan & Location Plan

Scale. 1:2500
Date. Oct 2011

Drwg No 370/1/1

014
320120
P

320120 014 P

DESIGN & ACCESS STATEMENT

Re: Proposed development of 30 dwellings at

LOW MOOR TOP FARM (PART), LOW MOOR, Clitheroe

1. Process

The scale of the proposed development has been considered against a background of need in the locality, tempered by other existing consents and the future potential of the wider area.

Consideration has been given to provision of 8 low cost units, two open space amenity areas and to visitor car parking arrangements for 10 vehicles. The need for bungalows with two bedrooms has also been given consideration against the strong demand in the Ribble Valley for houses with 3 or 4 bedrooms. Provision for off street parking has been considered and provided.

2. USE & AMOUNT

This residential development is necessary to provide good living accommodation for the accepted needs of the Clitheroe Town area. The size of the development has been governed by the existing boundary shaping, and access points that already exist in the village. The applicant believes that the size of the development is appropriate to the Infra Structure presently available in the village, and is aware of longer term planning considerations which may in future require revision of the access roads to and from Low Moor.

3. LAYOUT

The proposed layout reflects the needs of access via the existing road structures and the continuing needs of access to remaining farm land to the east of the site. The site is modest in size and there were no other optional layouts which would give the benefits of the adopted layout.

4. SCALE

The scale of the development is well within the context of the site. Low Moor is a village of the industrial revolution, to which has been added over the last 50 years a variety of residential types to meet a wide variety of needs. The scale of the proposed development is modest and in effect rounds off the boundaries of the village without encroaching in a significant manner upon the green areas separating the village from Clitheroe town.

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5. LANDSCAPING & APPEARANCE

See Drawings provided

6. ACCESS

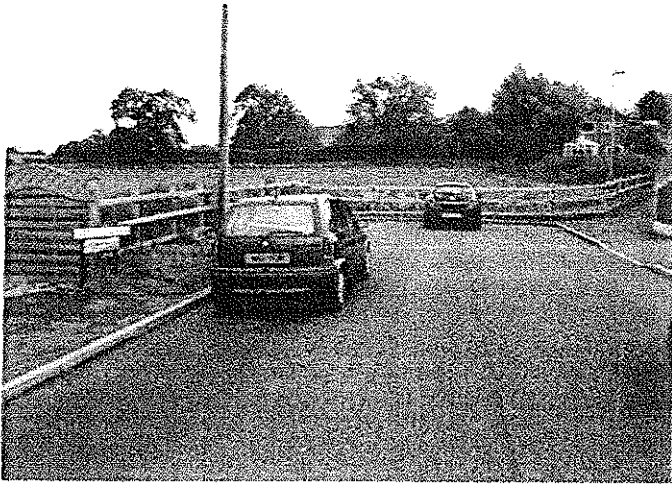
The site is accessed by existing road and path infra structure. Greenfield Avenue and Union Street allow access to the site sufficient to cope adequately with the proposed development. Low Moor is served by bus running during working times either 3 or 4 times per hour to Clitheroe. The bus system enables transfer to longer distance bus routes or to rail at the Clitheroe Station/terminus. A public footpath runs the full length of the site along the east boundary (but outside the site) and those living in the development will be able to access that path and also the continuation leading to Edisford Road

Schooling, Church and local shopping are all handily available to the site

Proposed development of 30 dwellings off Greenfield Av. Low Moor

Photographs of the existing site 1.

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1. Proposed access to the site via Greenfield Av.



2. Across the backs of the houses from Greenfield Av.



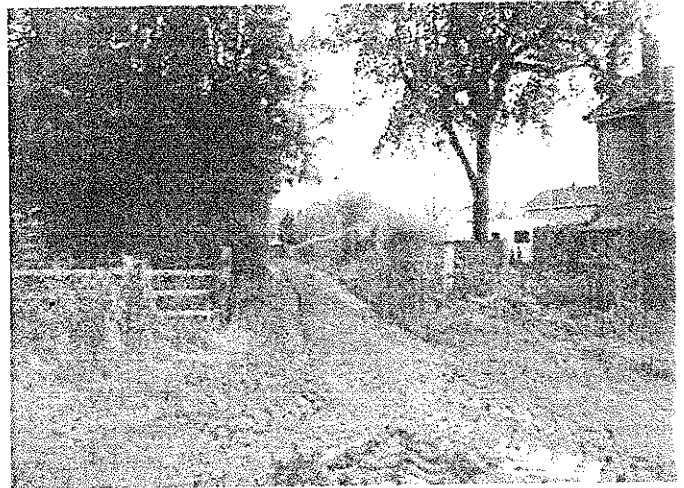
3. Across the backs of the houses from Greenfield Av.



4. View across the field.



5. Hedge Line along the public footpath.



6. Existing track.

Proposed development of 30 dwellings off Greenfield Av. Low Moor

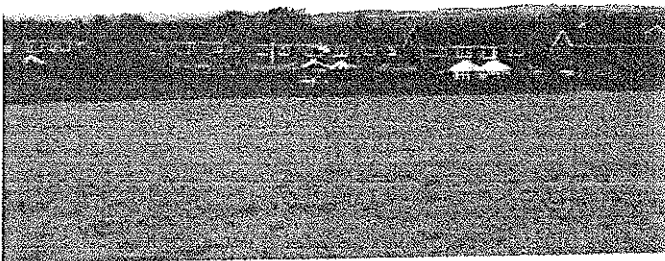
Photographs of the existing site 2.



Start of Public footpath from track



8. Across the field to Greenfield Av.



9. Across the field to backs of the houses from Track.

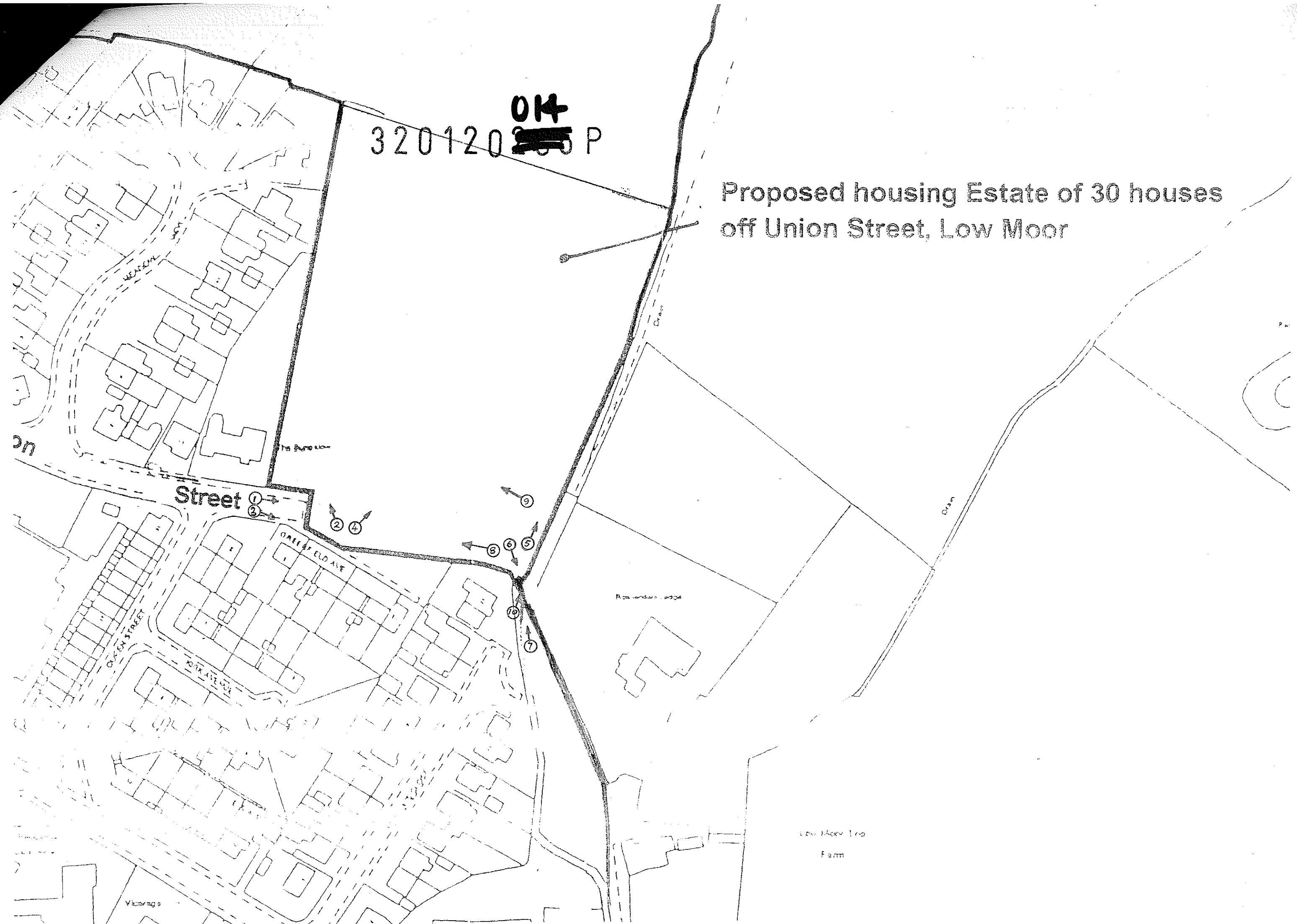


10. Fence line from track.

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Proposed housing Estate of 30 houses
off Union Street, Low Moor



INITIAL DRAFT 106 AGREEMENT

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DATED

2012

RIBBLE VALLEY BOROUGH COUNCIL

- and -

MRS MARY RUSHTON

SECTION 106 PLANNING AGREEMENT TOWN AND COUNTRY PLANNING ACT 1990

RELATING TO LAND KNOWN AS
LAND AT LOW MOOR TOP FARM,
LOW MOOR, CLITHEROE, LANCASHIRE

JREP/sect 106 agreement Rushton M 26.03.12

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THIS AGREEMENT AND DEED is made the day of 2012

BETWEEN

- 1 **RIBBLE VALLEY BOROUGH COUNCIL** of Council Offices Church Walk
Clitheroe Lancashire BB7 2RA (hereinafter called "the Council")
and
- 2 **MRS MARY RUSHTON** of address (hereinafter called "the Owner")

WHEREAS

- (1) The Owner is the freehold owner of land at Low Moor Top Farm, Clitheroe the title of which land is registered at HM Land Registry under numbers LAN..... and LAN..... and shown edged red on Plan 1 attached hereto ("the Property")
- (2) 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 the Property is situated and by whom the obligations contain in this Agreement is enforceable
- (3) The Owner on the day of Two thousand and twelve applied to the Council for planning permission for a development comprising 30 residential units on the Property as detailed in the plans and particulars deposited with Council under reference
- (4) The Council is satisfied that the development is such as may be approved by it under the Act of 1990 (as amended) but subject to the Owner entering into this Planning Obligation Agreement in accordance with Section 106 of the Town and Country Planning Act 1990 ("the 1990 Act")

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IT IS HEREBY AGREED as follows:

1. **DEFINITIONS**

1.1 In this Agreement unless the context otherwise requires:

Affordable Housing

"Affordable Housing" means housing that is affordable to local persons who cannot afford to rent or buy accommodation generally available on the open market on readily available terms who have need of local housing

Affordable Housing Unit

"Affordable Housing Unit" means each unit of Affordable Housing to be constructed on the property pursuant to the Planning Permission and which in total will comprise 8 (eight) Affordable Housing units.

Application

"Application" means the application for Planning Permission submitted to the Council reference number for residential use and associated amenities on the Property

Development

"Development" means such development as may be authorised by the Planning Permission

Dispose

"Dispose" means in relation to the transfer of an interest in property the transfer of a freehold interest or of a Leasehold interest of 99 years or more

Implementation

"Implementation" means the carrying out of any of the material operations listed in Section 56 of the 1990 Act pursuant to the Planning Permission provided that for the purposes of determining whether or not the material operation has been carried out there shall be disregarded property surveys and investigations and tests (including drilling bore holes, digging trial pits and taking soil samples) environmental assessments and similar studies (including geological, archaeological and ecological surveys and landscape assessments) Site investigations preparatory works including ground, modelling and contamination remediation works and "implement" and "implemented" shall be construed accordingly

'Index'

"Index means the BCIS All-in Tender Price Index published by the Royal Institute of Chartered Surveyors (RICS) or any successor body (or such other index replacing the same)

'Indexation Factor'

"Indexation Factor" means the recalculation of a financial contribution to be made under this Agreement applying the following formula:

$$A \times B = D$$

_____ C
_____ where:

A = the contributions payable under Schedule 3 of this Agreement

B = the figure shown in the BCIS All-in Tender Price Index for the period immediately prior to the date of payment under this Agreement.

C = the figure shown in the BCIS All-in Tender Price Index for the period published before the date of this Agreement and

D = the recalculated sum payable under this Agreement.

Market Dwellings

"Market Dwellings" means Residential Units excluding any Affordable Housing Units

Occupation

"Occupation" shall have the same meaning as defined in the Local Government Finance Act 1988 but for the avoidance of doubt shall not include occupation for the purposes of works carried out prior to or during construction, fitting out, commissioning, advertising, marketing, security or management of land for parking

Plan 1

"Plan 1" means the Property location plan annexed hereto and edged red

Plan 2

"Plan 2" means the planning layout identifying the location of the Affordable Housing Units and which are edged brown.

Planning Permission

"Planning Permission" means the Planning Permission granted pursuant to the Application. A draft of which is set out in Schedule 5

Registered Provider

"Registered Provider" means Housing Association or another housing association approved by the Council, such approval not to be unreasonably withheld, being a registered social landlord or other body recognised by the Homes and Communities Agency (which shall include any successor in title) as a registered provider of affordable housing in accordance with the provisions of the Housing and Regeneration Act 2008.

Residential Unit

"Residential Unit" means any unit including house, flat or maisonette to be constructed on the Property pursuant to the Planning Permission primarily for the purpose of residential occupation

Scheme Development Standard

"Scheme Development Standard" means dwellings constructed in accordance with the 2010 Editions of the Building Regulations Approved Documents including an element for provision of renewable energy and to a specification to be agreed between the RP and the Developer.

Shared Ownership Housing

"Shared Ownership Housing" means the residential units constructed pursuant to the Planning Permission and transferred to a Registered Provider for allocation as Shared Ownership Housing. Each occupier may acquire an interest in the Dwelling of between 25% and 80% and may staircase up to 100% of the Open Market Value of the Dwelling in increments at times of his/her election the balance of the equity in the Dwelling being let to the occupier at a rent equal to or less than that permitted by the Homes and Communities Agency. The Affordable Rented Housing (as identified on Plan 2 attached) shall comprise:

- NIL

Interpretation

- 1.2 The headings in this Agreement do not and will not by implication form any part of this Agreement and shall have no legal force whatsoever
- 1.3 Unless the context requires otherwise reference to this Agreement to a clause schedule or paragraph are references respectively to a clause schedule of paragraph of this Agreement
- 1.4 Where any part to this Agreement comprises two or more persons any obligation on the part of that party contained or implied in this Agreement shall be deemed to be joint and several obligations on the part of these persons and references to that party shall include reference to each or any of those persons
- 1.5 A reference to any statute or statutory section shall be taken to include a reference to any statutory, amendment, modification or re-enactment of it for the time being in force
- 1.6 Words denoting the singular shall include the plural and vice versa words denoting any gender shall include all genders and words denoting persons shall include bodies corporate and vice versa

2 **Enforceability**

- 2.1 This Agreement is a Planning Obligation with the intent to bind the Property and the Owner and Successors in Title to observe and perform the covenants herein
- 2.2 The obligations of this Agreement shall take effect on the implementation of the relevant part of the development pursuant to the Planning Permission
- 2.3 No persons shall be liable for a breach of covenant contained in this Agreement after he shall have parted with his interest in the Property or the part in respect of which such a breach occurs but without prejudice to liability for any existing breach of covenant prior to parting with such interest
- 2.4 This Agreement shall not be binding or enforceable against any mortgagee or charge exercising a power of sale but shall be binding on a Purchaser from a mortgage in possession
- 2.5 The provisions of this Agreement are not intended to be enforceable by any third party (which for the avoidance of doubt shall exclude any statutory successor or authority to the Council or successors in the title to the Owner) pursuant to the Contract (Rights of Third Parties) Act 1999

3 **Expiry Modification Variation or Amendments of Planning Permission**

- 3.1 If the Planning Permission shall expire before implementation of Development or shall at any time be revoked this Agreement shall forthwith determine and cease to have effect
- 3.2 Nothing in this Agreement shall prohibit or limit the right to develop any part of the Property in accordance with any planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Agreement and this Agreement shall not apply to development carried out under any planning permission other than the Planning Permission

4 **Registration**

This Agreement is a Local Land Charge and shall be registered as such by the Council

5 **Service of Notices**

Any notice or other written communication to be served by one party upon any other pursuant to the terms of this Agreement shall be deemed to have been validly served if delivered by hand or sent by pre-paid registered delivery post to the party to be delivered to the address herein specified or to such other address as may from time to time be notified for the purposes of notice in writing

6 **Reasonableness**

Where any agreement, certificate, consent, permission expression of satisfaction or other approval is to be given by any party or any person on behalf of any party hereto under this Agreement the same shall not be unreasonably withheld or delayed

7 **Covenants**

7.1 The Owner hereby covenants with the Council to perform the obligations as specified in Schedule 1

7.2 The Council hereby covenants to perform the obligations as specified in Schedule 2

8 **Miscellaneous**

8.1 Nothing in this Agreement shall affect, bind or be enforceable against any individual person in respect of any completed Residential Unit and its curtilage acquired or leased by them for residential occupation on the Property

8.2 Nothing in this Agreement is intended to restrict the exercise by the Council of any of its powers

8.3 If any provision in this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions hereof shall not in any way be deemed thereby to be affected or impaired

8.4 This Agreement is a Deed and is enforceable by the Council and the County Council

8.5 The County Council will upon written request of the Owner at any time after the obligations of the Owner under this Agreement have been fulfilled issue written confirmation thereof

8.6 Any dispute or difference arising between the parties with regard to their respective rights and obligations as to any matter or thing in anyway arising out or connected with this Agreement shall except as otherwise expressly provided be referred to the decision of a single arbitrator to be agreed by the parties or failing agreement between them to be nominated by the President for the time being of the Royal Institute of Chartered Surveyors as the case may be and any such reference shall be deemed to be a submission to

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arbitration within the meaning of the Arbitration Act 1996 or any statutory
modification or enactment for the time being in force

- 8.7 The Owner shall pay the Council's legal fees incurred in relation to this
Agreement on the date of this Agreement in the sum of £
respectively.

Deleted: ¶

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¶
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SCHEDULE 1

Deleted: ¶

The Owner covenants with the Council as follows:

1. **Affordable Housing**

- 1.1 The Owner covenants with the Council that not less than 8 Dwellings to be constructed on the Site pursuant to the Planning Permission shall be Affordable Housing Units
- 1.2 To construct the Affordable Housing in accordance with the approved planning permission and the Scheme Development Standards and to provide satisfactory evidence of the same to the Council
- 1.3 That not more than 25% of the Market Dwellings shall be occupied until the Owner has entered into a binding Contract with the Registered Provider for the transfer of the completed Affordable Housing Units and no more than 50% of the Market dwellings shall be occupied before the Affordable Housing Units are completed.

2. **Public Open Space**

To pay the Council a commuted sum of £..... in respect of the improvement and future maintenance of the Public Open Space shown on the Plan.

3. **Wheeled Bins**

To pay the Council upon the first occupation of any dwelling the sum of £ xxxx in respect of the administration and delivery of wheeled refuse bins.

SCHEDULE 2

- 1 The Council covenants with the Owner as follows:
 - a) Forthwith to grant the planning permission

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SCHEDULE 5
DRAFT PLANNING PERMISSION

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IN WITNESS whereof this Deed has been duly executed by the parties 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

EXECUTED AND DELIVERED AS A DEED)
BY MRS MARY RUSHTON)
)
)

Witness:

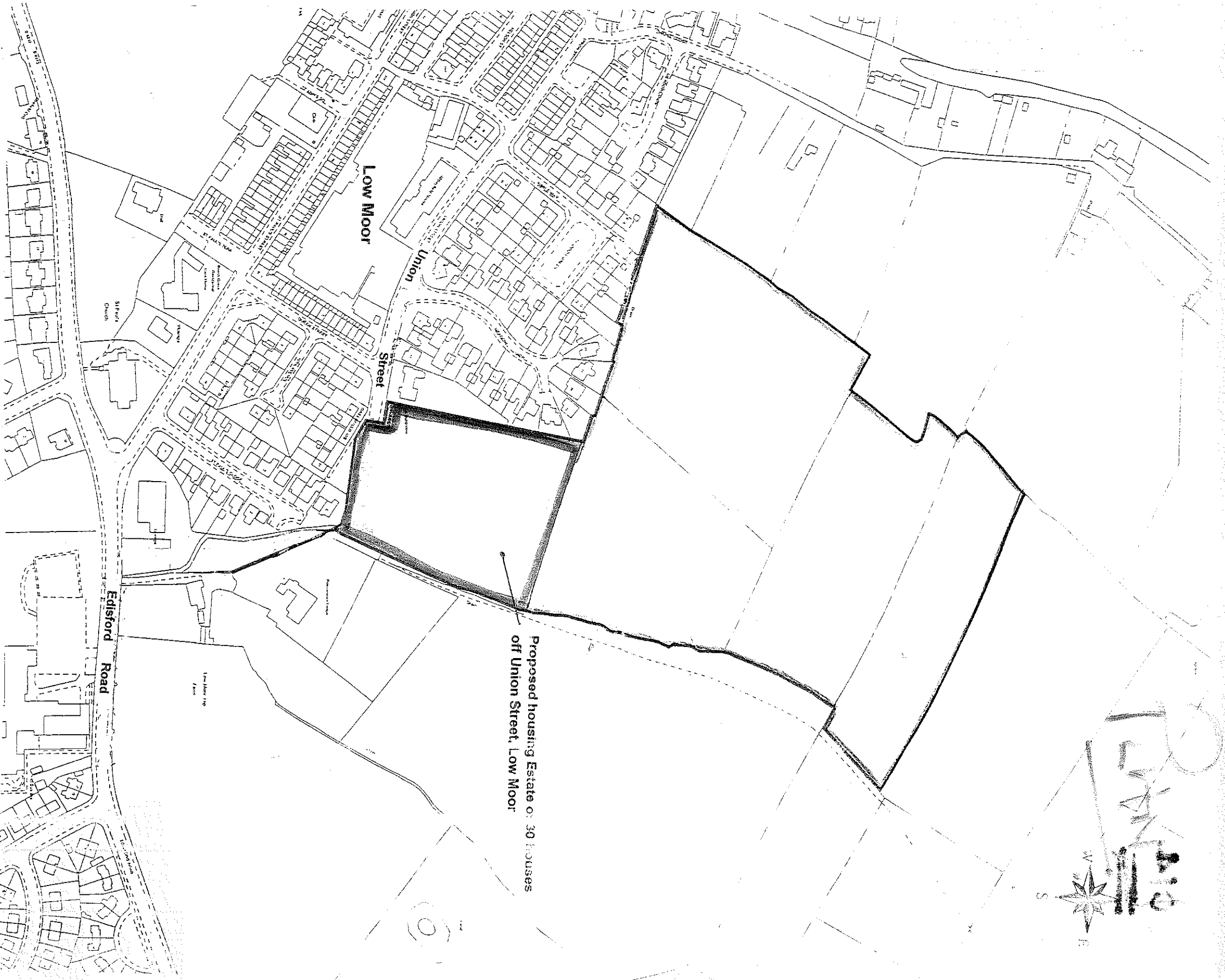
Address:

.....

.....

.....

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Location Plan Scale 1:2500

Jeff Marshall & Associates.
 Architectural Designers & Surveyors.
 Tel. 01200 440157

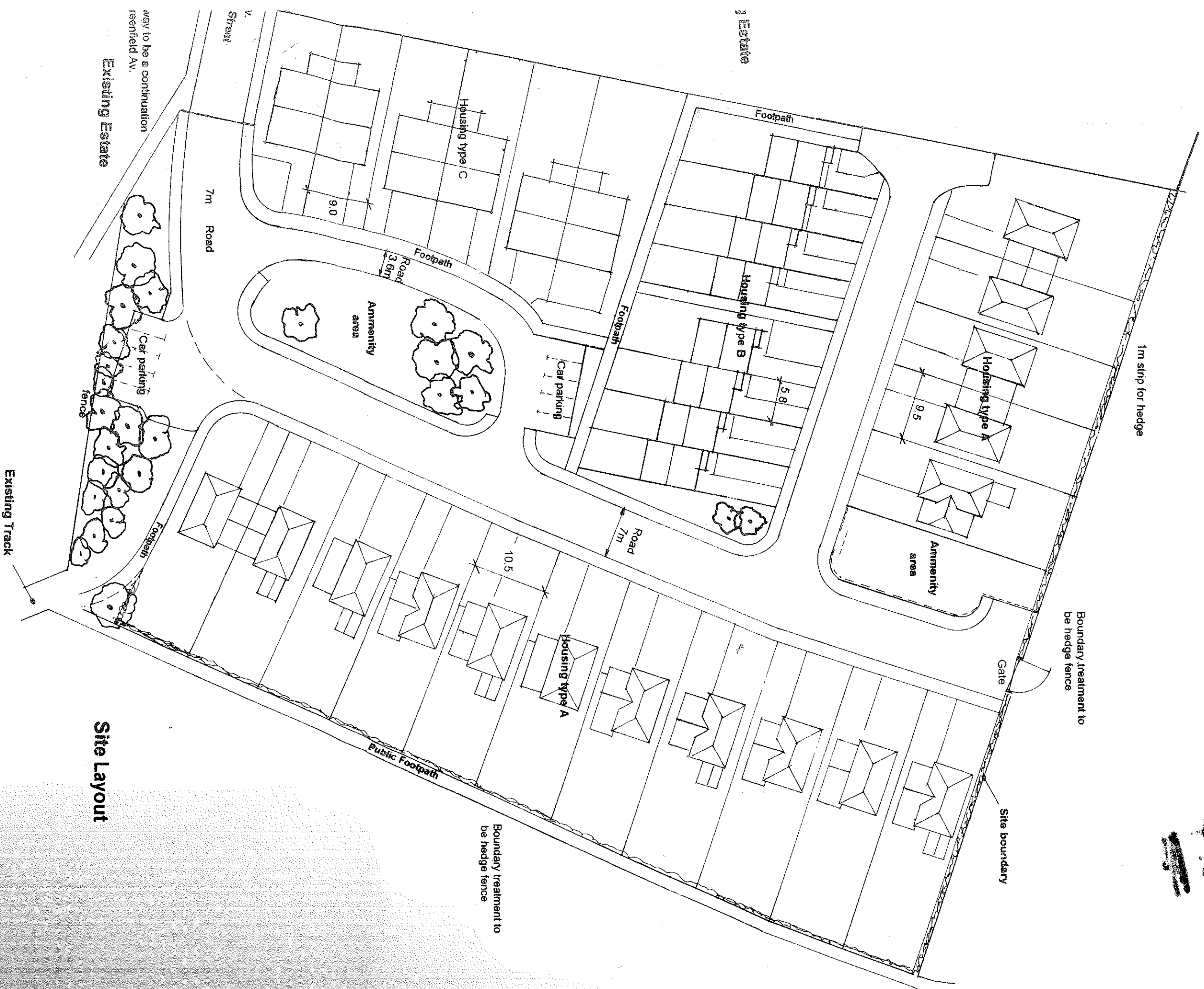
Project. Proposed housing Estate
 of 30 houses off Union Street,
 Low Moor
Title. Existing Plan & Location Plan

Scale.
 1:2500
Date. Oct 2011

Dwg No
 370/1/1

PLAN 2

2/10



Site Layout

Existing Estate

may to be a continuation
reenfield Av.

Street

1 Estate