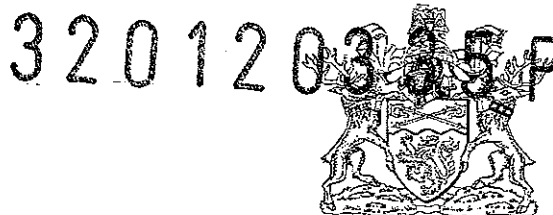


Ribble Valley Borough Council



Application for the Modification or Discharge of Planning Obligations

Town and Country Planning Act 1990 (Section 106A)
Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

FOR OFFICE USE ONLY

APPLICATION NO:	PLEASE READ ACCOMPANYING GUIDANCE NOTES FIRST AND COMPLETE IN BLOCK LETTERS
DATE RECEIVED:	
FEE PAID:	
RECEIPT NO:	

PLANNING APPLICATION FORMS ARE PUBLIC DOCUMENTS AND ALL INFORMATION CONTAINED ON
THEM WILL BE PLACED ON DEPOSIT FOR PUBLIC INSPECTION, BOTH IN THE COUNCIL OFFICES, AND
ON A WEBSITE

1a Name and Address of Applicant	1b Name and Address of Agent (if any)
RICHARD AND JANET MIZON	EUAN KELLIE PROPERTY SOLUTIONS
NORTHCOTE STUD	PETER HOUSE
NORTHCOTE ROAD	OXFORD STREET
LANGHO	MANCHESTER, M1 5AN
BLACKBURN, BB6 8BE	Name for contact EUAN KELLIE
Tel No: 01254 245116	Tel No: 0797 187 1286

2 Address of the Site*

NORTHCOTE STUD
NORTHCOTE ROAD
LANGHO
BLACKBURN, BB6 8BE

3 Description of Planning Obligation** - please give sufficient information to enable the identification of the Planning Obligation you wish to modify or Discharge

PLEASE SEE ATTACHED UNILATERAL UNDERTAKING, DATED 20
MARCH 2007.

05 APR 2012

4 Please state why you are applying for the modification or discharge of the planning obligation identified above

PLEASE SEE PLANNING POLICY COMPLIANCE STATEMENT,
TRAFFIC STATEMENT, AND NOISE IMPACT ASSESSMENT, SUBMITTED IN
SUPPORT OF THIS APPLICATION.

5. Please provide any additional information that you consider relevant to the determination of this application

PLEASE SEE PLANNING POLICY COMPLIANCE STATEMENT,
TRAFFIC STATEMENT, AND NOISE IMPACT ASSESSMENT, SUBMITTED IN
SUPPORT OF THIS APPLICATION.

6 Please state the nature of the applicant's interest in the land
LANDOWNER.

7 Declaration TO BE COMPLETED BY ALL APPLICANTS

I / We hereby apply for the modification or discharge of a planning obligation under Section 106A of the Town and Country Act 1990 in accordance with the details above, and the submitted plan(s) and documents

I / We have completed an ownership certificate (either certificate A, B C or D as appropriate) and attached it to this application

Signed


On behalf of RICHARD AND JANET MIZON

(insert applicant's name if signed by agent)

Date 5 APRIL 2012

RETURN TO COUNCIL

Town and Country Planning Act 1990 (Section 106A)
Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

CERTIFICATE UNDER REGULATION 4

CERTIFICATE A

I certify that:

- 1 On the day 21 days before the date of the accompanying application the planning obligation to which the application relates was enforceable against nobody other than the applicant

SIGNED



DATE 5 APRIL 2012

*On behalf of RICHARD AND JANET MIZON

CERTIFICATE B

I certify that:

- 1 *I have / The applicant has given the required notice to everyone else against whom, on the day 21 days before the date of the accompanying application the planning obligation to which the application relates was enforceable, as listed below:

Name of person on
whom notice served

Address at which
notice was served

Date on which
notice was served

SIGNED

DATE

On behalf of

NOTES

* Delete where inappropriate

s106A – certs A & B

RETURN TO COUNCIL

Town and Country Planning Act 1990 (Section 106A)
Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

CERTIFICATE UNDER REGULATION 4

CERTIFICATE C

I certify that:

- 1 I / The applicant * cannot complete a Certificate A or B in respect of the accompanying application;
- 2 I have / the applicant has* given notice to the persons listed below, being persons against who, on the day 21 days before the date of the accompanying application the planning obligation to which the application relates was enforceable

Name of person on
whom notice served

Address at which
notice was served

Date on which
notice was served

- 1 I have / The applicant has* taken reasonable steps to ascertain the name and address of every person whom, on the day 21 days before the date of the accompanying application, the planning obligation to which the application relates was enforceable and who has not been given notice of the application: These steps were as follows: (a)

Notice of the application, as attached to this application has been published on the
(b)

In the (c)

SIGNED _____ DATE _____

On behalf of _____

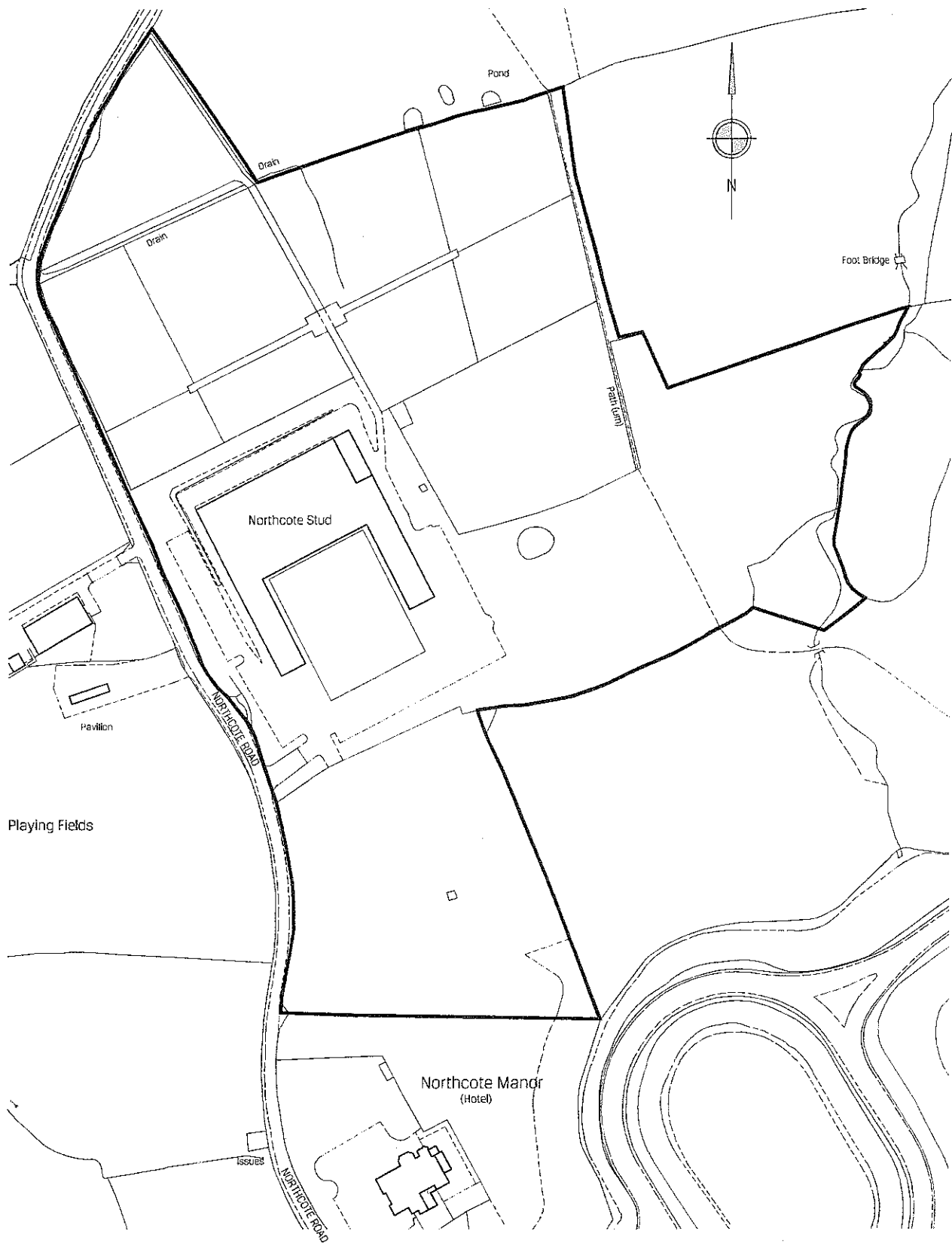
NOTES

* Delete where inappropriate

(a) description of steps taken (b) date of publication

(c) name of newspaper in which the notice was published

s106A - cert C



PROJECT: NORTHCOTE RIDING CENTRE

DRAWING: LOCATION PLAN [ref 040412]

SCALE: 1:2500 @ A4

SHACKARCHITECTURE

A 47 Speedwell Drive Barnston Wirral CH60 2SY
 T +44(0)151 348 4978
 M +44(0)7935 451 459
 E info@shackarchitecture.com
 W www.shackarchitecture.com

THIS UNILATERAL UNDERTAKING is made the

20th day of March 2007

BETWEEN

RIBBLE VALLEY BOROUGH COUNCIL of Council Offices Church Walk Clitheroe
Lancashire ("the Council") of the one part and Mr and Mrs R Mizon (Northcote Stud)
Lower Allescholes Farm, Allescholes Road, Walsden, Todmorden, OL14 7TL ("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 certain land known as land on
the east side of Northcote Road Langho Blackburn Lancashire edged red on the
plan annexed hereto is situated ("the Site")
- (2) The Owner is seised of the free simple in possession of the Site
- (3) The Owner has by written application dated the 09 January 2007 applied to the Council
for permission to develop the Site as detailed in the plans and particulars deposited
with the Council under reference 3/2007/0029 ("the Development")
- (4) The Council is satisfied that the Development is such as may be approved by the
Council under the said Act

NOW THIS DEED WITNESSETH AS FOLLOWS:-

1. This Unilateral Undertaking:-

- 1.1 Is given by the Owner to the Council
- 1.2 Is given pursuant to the provisions of Section 106 of the Town and Country
Planning Act 1990
- 1.3 Is a planning obligation for the purposes of Section 106 of the Town and
Country Planning Act 1990
- 1.4 Is given with intent to bind the Owner's freehold interest in the Site

THE SCHEDULE

1. The Owner hereby covenants with the Council that the Site shall be permanently subject to the restrictions regulating the Development thereof as hereafter contained
2. The said restrictions referred to in the preceding clause is as follows:-
 - 2.1 Not to allow the indoor and outdoor riding arenas the subject of the Development to be used for competitive events gymkhanas or other such events other than internal activities using the centres own residential horses and pupils
 - 2.2 Not to allow the new managers dwellinghouses the subject of the Development to be occupied until such time as the riding facilities have been completed and a fully operational

X
SIGNED as a Deed by
Mr and Mrs R Mizon
in the presence of:-

X
Witness' Signature:

Witness' Name:

Witness' Address:

Witness' Occupation:

R Mizon

R. W. Mizon

M Lucas

MARIA LUCAS

11 LOWER FOLD AVE, RYTON

PRACTICE MANAGER

320120335P

EuanKellie
property solutions

Planning Department
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe
Lancashire
BB7 2RA

Our ref ESK/JM/

By Hand

Peter House
Oxford Street
Manchester
M1 5AN

+44(0)7971 871 286
www.euankellie.co.uk

For the attention of John Macholz

5 April 2012

Dear Sir or Madam,

Northcote Stud, Northcote Road, Langho BB6 8BE
Applications to Discharge Planning Obligation and Remove Condition 12 attached
to Planning Permission Reference 3/2007/0029

On behalf of our client, Janet and Richard Mizon, please find enclosed the following applications in respect of Northcote Stud, Northcote Road, Langho ("the application site"):

- Application for the discharge of a Unilateral Undertaking, dated 20 March 2007, which was offered by our client to Ribble Valley Borough Council ("RVBC") in connection with planning permission reference 3/2007/0029 which was granted on 4 April 2007 ("the 2007 Planning Permission"); and
- Application for the removal of Condition 12 attached to the 2007 Planning Permission ("Condition 12").

The intention of both applications is to secure the necessary approvals for our client to use the indoor and outdoor riding arenas at Northcote Stud Farm for competitive events – currently prohibited by a restriction contained in the aforementioned Unilateral Undertaking. It should be noted that Condition 12 requires the 2007 Planning Permission to be implemented in accordance with the terms of the Unilateral Undertaking.

Justification for the Proposals

The documentation submitted in support of the applications (details of which are set out on page 2 of this letter) are intended to respond to the concerns raised by Planning Committee Members and consultees in relation to a previous application which our client submitted and which sought consent for the discharge of the Unilateral Undertaking. This application (reference 3/2010/0157; referred to hereinafter as "the 2010 Application") was refused by RVBC on 21 May 2010.

The documentation submitted in support of the applications demonstrates that the Unilateral Undertaking no longer serves a useful purpose. We therefore request that, in accordance with Section 106A of the Town and Country Planning Act 1990, consent for the discharge of the Unilateral Undertaking is forthcoming and that the application for the removal of Condition 12 is consequently and necessarily granted.

The reasons upon which our request is based are as follows:

- Following the refusal of the 2010 Application, our client approached, and entered into discussions with, Langho Football Club ("Langho FC") who use the playing fields to west of the application site. This was in response to concerns raised by Committee Members that the traffic problems being experienced on Northcote Road were due to the training events and activities being held at Northcote Stud Farm.

- It has been acknowledged by Langho FC that these problems were not caused by activities at the application site and were a consequence of a significant increase in traffic associated with football matches taking place at the football club. Action has now been taken by Langho FC to address these problems. Moreover, Langho FC has written to our client to confirm its support for the proposal to use the indoor and outdoor riding arenas at Northcote Stud Farm for competitive events.
- Our client's proposal has also received support from local businesses and professionals, and will create up to 10 part-time employment opportunities – in so doing encouraging multiple benefits from the use of land in a rural area whilst contributing to a thriving rural community.
- The Traffic Statement prepared by SK Transport Planning demonstrates that the local highway network within the study area has no existing safety issues, and also confirms that if competitive events were to operate at Northcote Stud Farm, there would be no material change to the traffic flows to and from the application site over the existing situation.
- The Noise Impact Assessment prepared by BDP confirms that by comparing consecutive days, the daytime noise climate varies very little day-by-day even during the showing jumping clinics which are currently undertaken at the application site. It also concludes that the use of the outdoor riding arena has little or no effect on the ambient noise levels at the boundary with Northcote Manor and that there would be no additional impact from road traffic noise during competitive events.
- To allay any concerns raised by Northcote Manor in relation to noise, and particularly that which may be generated by a public address system, the Noise Impact Assessment recommends that a limit (which our client is prepared to accept) be imposed on the noise which could be generated by such a system if used. This limit could be secured through the imposition of a planning condition.
- Our client's proposal to hold competitive events at the application site wholly accords with relevant policies in the Development Plan and is in line with the policies contained in the National Planning Policy Framework.

For the above reasons, we would encourage RVBC to consent to the discharge of the Unilateral Undertaking (which the enclosed documentation demonstrates no longer serves a useful purpose) and the consequent removal of Condition 12.

The Application Submission

The following information is enclosed with this letter in support of the applications (original and 3 No. copies of each):

- Planning Application Form for the Discharge of the Unilateral Undertaking and completed Certificate A.
- Planning Application Form for the Removal of Condition 12 and completed Certificate A and Agricultural Land Declaration.
- Location Plan.
- Planning Policy Compliance Statement prepared by Euan Kellie Property Solutions.
- Traffic Statement prepared by SK Transport Planning.
- Noise Impact Assessment prepared by BDP along with accompanying Memorandum.
- Cheque for £620 in respect of the total planning application fee. This is based on the following:
 - £450 for the Application for the Discharge of the Unilateral Undertaking; and
 - £170 for the Application for the Removal of Condition 12.

We should be grateful if you would confirm receipt of the applications enclosed and confirm in writing when they have both been registered and validated.

Please do not hesitate to contact Euan Kellie by phone (0797 187 1286) or by e-mail (euan@euankellie.co.uk) should any matters arising from the applications require clarification.

Yours faithfully,

Euan Kellie MRICS MRTPI

euan@euankellie.co.uk

cc.

Janet and Richard Mizon

ENCLOSURE