

Draft Heads of Terms for S106 Agreement

Land at junction of Chatburn Road and Pimlico Link Road, Clitheroe

Oakmere Homes Ltd

October 2019

Introduction

1. These draft Heads of Terms have been prepared by Smith & Love Planning Consultants Ltd behalf of Oakmere Homes Ltd ("the Applicant") to inform the preparation and negotiation of a Section 106 Agreement to be entered into with Ribble Valley Borough Council in connection with its planning application ref. 3/2019/0877 at land at junction of Chatburn Road and Pimlico Link Road, Clitheroe for;

Proposed development of 39 residential dwellings with associated landscaping, access and works.

Potential obligations

2. These draft Heads of Terms are submitted by the Applicant on a without prejudice basis and intended to provide a basis for negotiation with the Council during the consideration of the planning application. The Applicant reserves the right to withdraw or amend the draft obligations suggested below during negotiations with the Council, and particularly if any obligations cannot be fully justified in accordance with Regulation 122 of the Community Infrastructure Regulations 2010 as amended ("the CIL Regulations") and the NPPF and Planning Practice Guidance.
3. It is currently envisaged that the Section 106 agreement will include the following obligations;

i) Affordable Housing:

The scheme proposes 13 affordable dwellings (30% in accordance with Key Statement H3 of the Core Strategy) as part of the development. The affordable units are broken down as follows:

Plot No	Housetype	Tenure
10	Grizedale	Age-restricted to Over 55's only
11	Grizedale	Shared Ownership and Age-restricted to Over 55's only
18	Rothay	Affordable Rent
19	Rothay	Affordable Rent
20	Caldew	Affordable Rent
21	Caldew	Affordable Rent
22	Rothay	Affordable Rent
23	Rothay	Affordable Rent
24	Lowther	Shared Ownership

25	Lowther	Shared Ownership
26	Lowther	Shared Ownership
27	Rothay	Shared Ownership
28	Rothay	Shared Ownership

ii) Occupation of the proposed age-restricted properties:

The age-restricted properties (full schedule to be agreed) shall not be occupied by a person under the age of 55 years except in the circumstances of a married couple or civil partnership whereby at least one person in the married couple or civil partnership is not less than 55 years of age.

Other matters

4. Any potential additional obligations that may be sought by the Council requiring the provision of on or off-site infrastructure and/or payment of financial contributions by the Applicant, will be subject to an assessment of overall scheme viability as recognised by relevant policies of the adopted development plan and the NPPF and Planning Practice Guidance.
5. Any monies paid by the Applicant to the Council in accordance with any obligation requiring payment of financial contributions but not spent directly on such provision shall be paid back to the Applicant within 5 years of receipt of payment with interest.
6. The Applicant is willing to pay the Council's reasonable legal and administrative costs to draft and/or consider the S106 Agreement and expects any such costs to be set out and agreed in advance.

Smith & Love Planning Consultants
8 October 2019