

Application Ref:	3/2022/0261	 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	N/A	
Officer:	LH	
DELEGATED ITEM FILE REPORT:		APPROVAL

Development Description:	Variation of S106 Agreement attached to approved planning application 3/2020/0325 to amend the 'Market Over 55 Accommodation Unit' for Plot 9.
Site Address/Location:	Land north of Chatburn Road Clitheroe BB7 2EQ

CONSULTATIONS:	Parish/Town Council
No response received.	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Education:	
No change to pupil yield would result	
CONSULTATIONS:	Additional Representations.
No representations received in respect of the application.	

RELEVANT POLICIES AND SITE PLANNING HISTORY:
Ribble Valley Core Strategy: Key Statement DS1 – Development Strategy Key Statement DS2 – Sustainable Development Key Statement H1 – Housing Provision Key Statement H2 – Housing Balance Key Statement DMH1 – Planning Obligations National Planning Policy Framework (NPPF)
Relevant Planning History: 3/2020/0325 - Construction of 17 dwellings with associated works, landscaping and access (permitted)

ASSESSMENT OF PROPOSED DEVELOPMENT:
Proposed Development for which consent is sought: The application seeks to vary the section 106 agreement relating to Land north of Chatburn Road Clitheroe. The submitted details propose to vary the wording of the occupancy restriction on one of the over 55's accommodation (plot 9) to make the "step out" clause applicable to future owners should they be unable to re-sell the property to someone who satisfies the over 55 definition. In this respect section 106A (Modification and discharge of planning obligations) of the Town and Country planning Act (1990) states the following:

106A (6) Where an application is made to an authority under subsection (3), the authority may determine

- a) that the planning obligation shall continue to have effect without modification;
- b) if the obligation no longer serves a useful purpose, that it shall be discharged; or
- c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications

The proposed variation to the original section 106 agreement would not change the provision of the approved older person open market accommodation, but seeks to modify the clause in respect of future ownership on one of the plots which was struggling to sell, in the event that future marketing of the unit is not successful in fulfilling the terms of the occupancy restriction for over 55's for the market housing element only. There is no material change to the obligations previously secured and the proposal does not result in any conflict with policy H2 of the Core Strategy, which aims to ensure that there is a suitable mix of housing to meet the housing needs and demands for the borough and ensure that properties are available to accommodate the changing needs of occupants.

Observations/Consideration of Matters Raised/Conclusion:

It is for the above reasons and having regard to all material considerations and matters raised that the application for the variation to the section 106 agreement is recommended for approval.

RECOMMENDATION:	That the variation to the S106 Agreement be granted.
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